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ABSTRACT

Intended for use by state and local education agencies in the development of written policy consistent with recent federal legislation on the education of handicapped children, the manual offers recommended policy statements in the areas of right to education, population, identification, evaluations, placement, service delivery, facilities and transportation, administration, personnel, fiscal management, and forms. It is explained that the manual was developed by fieldtesting an administrative policy questionnaire with 40 local education agencies and over 130 administrators. Definitions of 20 terms such as child-find, individualized education program, and mainstreaming are provided as is a chart of state statutory responsibilities for the education of handicapped children, and a summary of Public Law 94-142 (The Education for All Handicapped Children Act) right to education provisions. Each section contains coded policy statements with comments and cross references to related policies. Sample forms, a list of advisory committee members, and a manual evaluation form are appended. The looseleaf notebook format of the manual is intended to facilitate changes and allow inclusion of specific federal, state, and local policy information by the user. (DB)

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SPECIAL EDUCATION ADMINISTRATIVE POLICIES MANUAL

U.S. DEPARTMENT OF HEALTH
EDUCATION & WELFARE
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Project Director

September 1977

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FOREWORD

With the passage by the United States Congress of Public Law 93-380, the Education Amendments of 1974 and Public Law 94-142, the Education of All Handicapped Children Act of 1975, as well as Section 504 of the Vocational Rehabilitation Act of 1973, another era has been launched to provide every American handicapped child with a free appropriate public education. Fulfilling the requirements of these Acts and similar State mandates in local, intermediate and State education agencies will bring into being sound educational practices for children that have long been sought by special and general educators alike.

Although these recent Federal and State directives have made clearer the responsibilities of American education to these children, many education agencies have been operating effective special education programs for some handicapped children for many years. The base for the operation of these programs rests in the establishment of clear written policies. Unfortunately, in many agencies, well developed and consistent policies governing the education of handicapped children do not exist.

The absence of appropriate policy that serves to control, regulate, and direct the organization, administration and provision of educational services to children may reduce the efficient and effective operation of the public schools. Written policies contribute to the consistent operation of the public schools over time and make official school positions on significant issues clear to school employees and the public.

To assist these agencies in the difficult task of modernizing and expanding or revising their policies, The Council for Exceptional Children, with support from the Bureau of Education for the Handicapped, U.S. Office of Education, Department of Health, Education and Welfare, developed this special education administrative policy manual.

The policies that are presented in this manual were developed after an extensive fieldbased research effort. Through the use of an administrative policy questionnaire administered both on site in over 40 local education agencies and by mail to over 130 administrators, an extensive data base of existing policies and needed policy areas was established. Working from this data base, a draft policy manual was developed and distributed to each State Director of Special Education and over 250 local and intermediate education agencies for extensive review.

Producing this manual and completing this project is the third major policy research activity conducted by the Council for Exceptional Children. Previous policy efforts began with the Analytic Study of State Legislation which focused on those elements required in State statutes for the building of appropriate special education programs. The State-Federal Information Clearinghouse for Exceptional Children was then created to collect, analyze, and produce extensive information about State and Federal statutes and regulations concerning the education of handicapped children. Even as this manual is being produced, CEC is continuing its policy efforts through a development of appropriate policies for use by education agencies for providing vocational education programs to handicapped young people.

It is our hope that this manual, as well as our previous and future efforts, will continue to contribute to improving and expanding educational opportunities for all exceptional children.

Alan Abeson, Assistant Executive Director
Evaluation, Planning & Development

Acknowledgements

Without the support of innumerable individuals, the data and material for this policy manual would not be completed. At least the following deserve recognition for their work with us the past three years. It is our hope that their continued involvement in the endeavor of special education public policy as indicated by the contents of this manual reflects positive policy practices and alternatives for the appropriate education of all exceptional children.

S. T.
A. A.

Local Education Agency Personnel - Over 130 administrators contributed by completing an extensive policy questionnaire. Over 250 administrators evaluated the draft policy manual.

State Education Directors - Each of the fifty State special education directors nominated five school districts to participate in the project, reviewed all the policy materials and many made comments regarding the draft policy manual.

SEAP Working Advisory Committee - Each of the 13 policy makers has contributed for three years to the policy product revisions of this project. A special word of thanks for their help throughout the project.

Governmental Relations Unit - Special thanks to Fred Weintraub for his continued advice and support on all project activities; Joe Ballard for his information exchanges and review; Bruce Ramirez for his site-visit data collection; Josephine Hayes and Jean Mack for their supervision of the Manual production; and to Janet Luersen, Ellen Wells, Lesley Malone and Carol Myers for their efforts in the completion of this manual.

Bureau of Education for the Handicapped - John Davis, Research Coordinator, served as a continuous resource in the content, format and design of this manual.

SEAP Staff - At various times, the following persons were part of the SEAP project: Nancy Bolick, Cassie Green, Jayne Hass, Carol Lloyd, and George Matsoukas.

Format: The notebook format is purposely designed to demonstrate that this policy manual is open-ended. Policy development is a never-ending process. As new policies are written or existing ones reviewed or reassessed, it is important that the manual retain the flexibility necessary to adapt to the needed policy mandates. At the beginning of each policy area, policy statements and their alternatives are presented for use by local, intermediate, and State administrators. Policy statements are indicated by number and appear in the left hand column; administrative procedures appear in the main narrative section.

Coding Section: Each of the policy areas are identified. The appropriate code refers to the name of the policy section. They are as follows:

Right to Education (RE)
Population (POP)
Identification (ID)
Evaluations (E)
Placement (P)
Service Delivery (SD)
Facilities (FAC) and Transportation (TRAN)
Administration: Governance (AG)
Personnel (PR)
Fiscal Management (FM)
Confidentiality and Student Records (CSR)
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Due Process (DP)
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Definition of Terms

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For purposes of this policy manual, the following special education terms are used and defined:

Administrator of Special Education - A person designated by the education agency who has full or part-time responsibility for the planning, coordinating, budgeting, implementation and monitoring of all special education and related services provided to each exceptional child.

Appropriate Education - An individualized program for a specified time period provided at no cost to the parents in order to meet the specific special education needs of an exceptional child.

Assessments - Those instruments, techniques, and/or procedures used by qualified professionals to determine the specific educational strengths and weaknesses of the exceptional child. This process may be considered an "evaluation" by some education agencies.

Child Abuse and Neglect - The physical or mental injury, sexual abuse, negligent treatment, or maltreatment of a child under the age of 18 by a person who is responsible for the child's welfare under circumstances which indicate that the child's health or welfare is harmed or threatened thereby.
(P.L. 93-247)

Child Find - The process used by education and other agencies to seek and identify those children "unserved" or "ill-served" who have special education needs.

Community Survey - A procedure in which households within the jurisdiction of the education agency are surveyed for the purpose of locating and identifying individuals who might be exceptional.

Due Process - A sequence of procedural safeguards established by the education agency so that when an individual is faced with a decision or potential decision affecting his educational environment, he has the opportunity to be heard in his own behalf as well as the right to impartial resolution of conflicting positions.

Eligible Student - Any individual child between the ages of birth through twenty-one determined to have a special education need.

Evaluation, Child - A collaborative process whereby a team of qualified professionals develops recommendations on the specific educational strengths and weaknesses of the exceptional children. Recommendations shall come from specific and individualized assessments performed. See "assessments" above.

Evaluation, Program - A systematic approach or process of reviewing and determining the status and effectiveness of each public and private special education program for which the education agency has responsibility.

Excess Costs - Those costs which are in excess of the average annual per student expenditure in a local educational agency during the preceding school year for an elementary or secondary school student. The excess cost shall be computed after deducting a) amounts received under Federal appropriations for P.L. 94-142 or under Title I or Title VII of the Elementary and Secondary Act of 1965, and b) any State or local funds expended for programs which would qualify for assistance under Federal appropriations for special education.

Free, Appropriate Public Education - Special education and related services which a) have been provided at public expense, under public supervision and direction, and without charge, b) meet the standards of the State educational agency, c) include an appropriate preschool, elementary, or secondary school education in the State involved, and d) are provided in conformity with the individualized education program required under section 614 (a) (5) of P.L. 94-142, the Education for All Handicapped Children Act.

Individualized Education Program - A written statement for each handicapped child developed in any meeting by a representative of the local educational agency or an intermediate educational unit who shall be qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of handicapped children, the teacher, the parents or guardian of such child, and, whenever appropriate, the child. The statement shall include a) a statement of the present levels of educational performance of such child, b) a statement of annual goals, including short-term instructional objectives, c) a statement of the specific educational services to be provided to such child, and the extent to which such child will be able to participate in regular education programs, d) the projected date for initiation and anticipated duration of such services, and appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved.

Least Restrictive Environment - An educational placement determination for each exceptional child made as close to the regular class setting as is appropriately determined on an individual need basis.

Mainstreaming - Mainstreaming is a belief which involves an educational placement procedure and process for exceptional children, based on the conviction that each child should be educated in the least restrictive environment in which his educational and related needs can be satisfactorily provided. This concept recognizes that exceptional children have a wide range of special educational needs, varying greatly in intensity and duration; that there is a recognized continuum of educational settings which may, at a given time, be appropriate for an individual child's needs; that to the maximum extent appropriate, exceptional children should be educated with non-exceptional children; and that special classes, separate schooling, and other removal of an exceptional child from education with non-exceptional children should occur only when the intensity of the child's special education and related needs is such that they cannot be satisfied in an environment including non-exceptional children, even with the provision of supplementary aids and services.

Multidisciplinary Staffing Team - Composed of a group of professionals and the parent who equally participate in the decision-making process to determine the specific educational needs of the child, develop an individualized education for the child and determine the appropriate education placement for the exceptional child.

Parent - The exceptional child's natural parents, guardian, or parent surrogate designated responsible for making decisions for the exceptional child.

Re-evaluation - A process whereby the professionals periodically but at least every three years conduct an evaluation on the educational needs of each exceptional child. See Evaluation and Assessments above.

Related Services - Transportation, and such developmental, corrective and other supportive services (including speech pathology and audiology, psychological services, physical and occupational therapy, recreation, and medical and counseling services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a handicapped child to benefit from special education, and includes the early identification and assessment of handicapping conditions in children.

Review - A process whereby the multidisciplinary team meets periodically but at least annually to review the objectives of the exceptional child's individualized education program and make the necessary recommendations for any indicated changes necessary in that education program.

STATE STATUTORY RESPONSIBILITIES FOR THE EDUCATION OF HANDICAPPED CHILDREN

June 1977

This chart was prepared by the Development and Evaluation of State and Local Special Education Administrative Policy (SEAP) Manual Project of The Council for Exceptional Children.

State	Type of Mandation	Date of Passage	Compliance Date	Ages of Eligibility	Categories Excluded
Alabama	Full Planning and Programming	1971	1977	6 - 21	Profoundly Retarded
Alaska	Full Program	1974		From age 3	
Arizona	Selective Planning & Programming	1973	9/76	5 - 21	Emotionally Handicapped
Arkansas	Full Planning and Programming	1973	1973	6 - 21	
* California	Selective			6 - 18	"Educationally Handicapped" (Emotionally Disturbed, Learning Disabled)
Colorado	Full Planning and Programming	1973	7/75	5 - 21	
Connecticut	Full Planning and Programming	1966	7/75	0 - 21	
Delaware	Full Program "Wherever Possible"	1953	7/76	4 - 21	Severely Mentally or Physically Handicapped
District of Columbia	No Statute. Court Order: Full Program	1972	1972	From age 6	
* Florida	Full Program	1968	1973	3 - no maximum (13 yrs. guaranteed)	
Georgia	Full Planning & Programming	1968	9/75	3 - 20	
Hawaii	Full Program	1949		5 - 20	
Idaho	Full Program	1972	7/1/74	School age	
* Illinois	Full Program	1965	7/69	3 - 21	
Indiana	Full Planning & Programming	1969	1973	3 - 21 (permissive for deaf from 6 mos.)	
Iowa	Full Program "If Reasonably Possible"	1974		Birth - 21	
* Kansas	Full Planning & Programming	1974	1979	Developmentally Disabled: Birth - 21	
* Kentucky	Planning & Programming	1970	1974		Other than TMR
	(Petition for Trainable Mentally Retarded Only)	1962		6 - 21	
* Louisiana	Full Program	1972	1972	3 - 21	Mentally Retarded with IQ below 25
Maine	Full Planning & Programming	1973	1976	5 - 20	
* Maryland	Full Planning & Programming	1973	1979		
Massachusetts	Full Planning & Programming	1972	1974	3 - 21	
Michigan	Full Planning & Programming	1971	9/73	Birth - 25	
* Minnesota	Full Program	7/72	1977	4 - 21, except MR (5 - 21) and ED (6 - 21)	
* Mississippi	Selective	1973	1974	Birth - 21	
Missouri	Full Planning & Programming	1973	1973	5 - 21	
* Montana	Full Program	1974	7/79	6 - 21	
* Nebraska	Full Planning & Programming	1973	10/76	5 - 18	
* Nevada	Full Program	1973		5 - 18	
New Hampshire	Full Program	1965	1971	Birth - 21	
* New Jersey	Full Program	1954		5 - 20	
* New Mexico	Full Planning & Programming	1972	9/76	6 - 21	
New York	Full Program	1973	1973	5 - 21	Profoundly Retarded
* North Carolina	Full Planning	1974	1975	Birth - Adulthood	
* North Dakota	Full Planning & Programming	1973	7/80	0 - 21	
Ohio	Mandatory	1976	None Specified	Birth - 21	
* Oklahoma	Full Program	1971	9/70	4 - 21	
Oregon	Full Program	1973		EMR: 6 - 21 Others: Birth - 21	
* Pennsylvania	Full Program	1975	7/1/76	6 - 21	
* Rhode Island	Full Program		1964	3 - 21	
* South Carolina	Full Planning & Programming	1972	1977	6 - 21	
South Dakota	Full Program	1972	1977	Birth - 21	
Tennessee	Full Planning & Programming	1972	9/74	4 - 21 (3 for deaf)	
Texas	Full Program	1969	9/76	3 - 21	
Utah	Full Program	1969	1969	6 - 18	
* Vermont	Full Program	1972		Birth - 21	
Virginia	Full Program	1972	1976	2 - 21	
* Washington	Full Program	1971	1973	6 - 21	
* West Virginia	Full Program	1974	1974	5 - 23	
Wisconsin	Full Planning & Programming	1973	8/74	3 - 21	
Wyoming	Full Program	1969		6 - 21	

* Asterisk explanation appears on next page.

STATE STATUTORY RESPONSIBILITIES FOR THE EDUCATION OF HANDICAPPED CHILDREN

*ASTERISK EXPLANATIONS

Arkansas:	Legislative implementation date was 1979: a 1973 Attorney General's Opinion set 7/1/73 as compliance date.
California:	Permissive for children 3 - 21, except MR: 5 years, 8 Mos. - 21.
Florida:	1973 law did not include profoundly retarded; however, a 1974 amendment brought these children under the provisions of the mandatory law. Compliance date for full services to these children is mandated for 1977-78.
Illinois:	5 - 21 for speech defective.
Kansas:	"Developmentally Disabled" means retardation, cerebral palsy or epilepsy. For other disabilities, the state board is to determine ages of eligibility as part of the state plan. Compliance date is 7/1/74 for DD programs.
Kentucky:	Permissive - 3 - 6.
Louisiana:	Residents over age 21 who were not provided educational services as children must also be given education and training opportunities.
Maryland:	Court order set deadline as Sept., 1975. Services must begin as soon as the child can benefit from them, whether or not he is of school age.
Minnesota:	Students up to 25 who have attended school less than 9 years prior to 9/75 are eligible for services.
Mississippi:	Five or more children of any type of handicapping condition must exist before services must be provided.
Montana:	Statute now in effect is selective and conditional: at least 10 educable mentally retarded, 7 trainable mentally retarded, or 10 physically handicapped in school district. Full mandation becomes effective 7/1/79.
Nebraska:	Acoustically handicapped: 10/7/74.
Nevada:	Aurally handicapped and visually handicapped: birth - 18.
New Jersey:	Date of original mandatory law, which has since been amended to include all children.
New Mexico:	Child must be 6 years old by January 1 of school year.
North Carolina:	Deaf: to age 18 – or to age 21 "if need exists."
North Dakota:	All children must be served as soon as they are identified as handicapped.
Oklahoma:	2 - 21 for blind, partially blind, deaf, hard of hearing.
Pennsylvania:	When programs are provided for pre-school age children they must also be provided for mentally handicapped children of the same age.
Rhode Island:	For mentally retarded or multiply handicapped. Others, as defined in regulations. Compliance date established by regulations.
South Carolina:	4 - 21 for hearing handicapped.
Vermont:	Within the limits of available funds and personnel.
Washington:	Permissive below 6 years.
West Virginia:	Permissive 3 - 4.

Definition of the kinds of mandatory legislation used by states:

Full Program Mandate:	Such laws require that programs must be provided where children meet the criteria defining the exceptionality.
Planning and Programming Mandate:	This form includes required planning prior to required programming.
Planning Mandate:	This kind of law mandates only a requirement for planning.
Conditional Mandate:	This kind of law requires that certain conditions must be met in or by the local education district before mandation takes effect (this usually means that a certain number of children with like handicaps must reside in a district before the district is obliged to provide for them).
Mandate by Petition:	This kind of law places the burden of responsibility for program development on the community in terms of parents and interested agencies who may petition school districts to provide programs.
Selective Mandate:	In this case, not all disabilities are treated equally. Education is provided (mandated) for some, but not all categories of disabilities.

The work performed herein was done pursuant to a grant from the Bureau of Education for the Handicapped, US Office of Education, Department of Health, Education, and Welfare. The opinions expressed herein, however, do not necessarily reflect the position or policy of the US Office of Education, and no official endorsement by the US Office of Education should be inferred.

Right to An Education

The Education for All Handicapped Children Act, Public Law 94-142, mandates a free appropriate public education for each exceptional child. Within the Federal law, a legal framework has established the following mandates:

> All exceptional children and their parents shall be guaranteed due process with regard to identification, evaluation, and placement procedures.
>
> A written, individualized educational program shall be developed for each child determined to have special educational needs.
>
> Educational placement decisions for each exceptional child shall always be in the least restrictive environment appropriate to the child's learning needs.
>
> Responsibility for providing the appropriate educational program for each child rests with the local education agency.
>
> A periodic review shall be conducted by the education agency at least annually to evaluate the exceptional child's progress and to rewrite the educational plan.

In order to achieve these mandates, P.L. 94-142 requires that an official, written document containing assurances that the local agency will provide services be developed in the form of an application by every school district receiving its Federal entitlement under P.L. 94-142. The following must be included in the local application (See Section AG, page 1, for further requirements of the application):

- assurance of extensive child identification procedures;
- assurance of "full service" goal and detailed timetable;
- a guarantee of complete due process procedures;
- assurance of regular parent or guardian consultation;
- Maintenance of programs and procedures for comprehensive personnel development, including in-service training;
- assurance of special education being provided to all handicapped children in the "least restrictive" environment;
- assurance of nondiscriminatory testing and evaluation;
- a guarantee of policies and procedures to protect the confidentiality of data and information;

- assurance of the maintenance of an individualized program for each handicapped child;

- assurance of an effective policy guaranteeing the right of all handicapped children to a free, appropriate public education, at no cost to parents or guardian;

- assurance of a surrogate to act for any child when parents or guardians are either unknown or unavailable, or when said child is a legal ward of the State.

Concurrent Federal legislation exists for handicapped persons. Section 504 is the basic civil rights provision with respect to terminating discrimination against America's handicapped citizens. Section 504 was enacted through the legislative vehicle of P.L. 93-112, the Vocational Rehabilitation Act Amendments of 1973. Though Section 504 is brief in actual language, it is long on its implications. The statute reads:

> No otherwise qualified handicapped individual in the United States 7 (6) shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

P.L. 94-142 applies to all handicapped children when they required special education and related services, ages three to twenty-one inclusive. Section 504 applies to all handicapped Americans regardless of age. Section 504 therefore applies to all handicapped children aged three to twenty-one with respect to their public education both from the standpoint of the guarantee of an appropriate special education and from the standpoint of sheer regular program accessibility. A close coordination has therefore been maintained between P.L. 94-142 provisions and the provisions of the Section 504 regulations (refer to Section 611 of P.L. 94-142 and background statement of the Section 504 regulation).

Each of the ensuing policy statements and alternatives contained in this Special Education Administrative Policy Manual is consistent with the intent of both P.L. 94-142 and Section 504.

Policy Number	Policy Statements and Administrative Procedures	Comments
100	DEFINITIONS It shall be the policy of each local education agency to provide a clear written description of each type of exceptional child for whom the agency must provide an appropriate education. Definitions of exceptionalities, whether categorical or noncategorical, must correspond to State and Federal legal provisions.	The definitions used in this manual have been verified by 280 local and intermediate education agencies as appropriate for use. The origin of the definitions is a combination of the State Educational Records and Reports Series, Handbook V (U.S. DHEW, 1974); The Council for Exceptional Children delegate approved definitions; and specific disability definitions appearing in selected Federal statutes.
101	NONCATEGORICAL DEFINITION Exceptional children are those who, because of certain atypical characteristics, have been identified by professionally qualified personnel as requiring special education planning and services. Exceptional children are identified on the basis of (a) physical, health, or sensory handicap, (b) emotional handicap or behavioral problem, and (c) observable exceptionality in mental ability, i.e., mentally gifted and mentally retarded. Some exceptional children have more than one type of exceptionality.	Many states are moving towards noncategorical descriptions to define handicapped children by their special educational needs, rather than by specific handicapping condition. The trend is towards looking at child in terms of what the education needs might be as opposed to labelling the child and then fitting the label to a program. P.L. 94-142, however, requires data to be reported by disability of child.
102	BLIND Blind individuals are those who are sightless or who have such limited vision that they must rely on hearing and touch as their chief means of learning.	Handbook V

Policy Number	Policy Statements and Administrative Procedures	Comments
103	COMMUNICATION DISORDERED Individuals with communication disorders are those who exhibit an impairment in speech and/or language (including impaired articulation, stuttering, voice impairment, and a receptive or expressive verbal language handicap) that is sufficiently severe to adversely affect the performance of an individual in the usual school program.	Handbook V This is not to be confused with a language or communication difficulty arising from lack of experience with the language of instruction. Speech and language deviations expected to diminish significantly or disappear in the course of the child's normal development are not included.
104	DEAF Individuals who are deaf are those whose hearing is extremely defective so as to be essentially nonfunctional for ordinary purposes of life.	Handbook V
105	DEAF-BLIND Deaf-blind individuals are those who have been diagnosed as having both hearing and vision handicaps, the combination of which causes severe communication and other developmental and educational problems. 105.1 Descriptors of children in this category shall minimally include the definitions for both deaf and blind (See POP 102, POP 104).	Handbook V
106	DEVELOPMENTALLY DISABLED The term "developmental disabilities" refers to a disability attributable to mental retardation, cerebral palsy, epilepsy, or other neurological condition of an individual found to be closely related to mental retardation or to require treatment similar to that required for mentally retarded individuals, which disability originates before such individual attains age eighteen, which has continued or can be expected to continue indefinitely and which constitutes a substantial handicap to such individual.	P.L. 91-517. Most local and intermediate education agency administrators responded to this definition by recommending that it not be used by public schools. Comments reflected a duplication and confusion when this definition is used.

Policy Number	Policy Statements and Administrative Procedures	Comments
107	EMOTIONALLY DISTURBED/BEHAVIOR DISORDERED Emotionally disturbed/behavior disordered persons are those individuals diagnosed by professionals as having severe emotional conditions which interfere with the learning process, relationships, and/or personal adjustment as evidenced within school settings. The person's primary difficulty is emotional/behavioral.	While the Federal definition does not include "Socially Maladjusted", many administrators indicated that in practice, this term is incorporated to broaden the definition of emotionally disturbed.
108	HARD OF HEARING Individuals classified as being hard of hearing possess slightly to markedly defective hearing, as determined by their ability to use residual hearing in daily life, sometimes with the use of a hearing aid.	Handbook V
109	HEALTH IMPAIRED Individuals with health impairments are those whose educational progress is restricted because of limited strength vitality, and alertness due to chronic health problems such as a heart condition, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, lead poisoning, leukemia, diabetes or other illness.	Handbook V
110	LEARNING DISABLED Learning disabled individuals are those who exhibit a disorder in one or more of the basic psychological processes involved in understanding or using spoken or written language. These disorders may be manifested in difficulties with listening, thinking, talking, reading, writing, spelling, or arithmetic. They include conditions which have been referred to as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia, developmental aphasia, etc.	This does not include learning problems which are due primarily to visual, hearing, or motor handicaps, to mental retardation, emotional disturbance, or to environmental disadvantage.

Policy Number	Policy Statements and Administrative Procedures	Comments
111	MENTALLY GIFTED The "mentally gifted" include individuals whose potential is so high or whose level of mental development is so far advanced that they have been indentified by professionally qualified personnel as needing additional educational opportunities beyond those provided by the usual school program if they are to be educated to the level of their ability.	Handbook V Fifteen States currently include gifted and/or talented in special education legislation. Services are not mandated as part of P.L. 94-142.
112	MENTALLY RETARDED The classification "mentally retarded" refers to individuals whose significantly subaverage general intellectual functioning exists concurrently with deficits in adaptive behavior, and is manifest during the developmental period.	American Association on Mental Deficiency (AAMD) definition. Severity usually determines classification into various performance levels: Mild to correspond with EMR Moderate TMR Severe SMR labels
113	MULTIPLY HANDICAPPED Multiply handicapped individuals are those who have a combination of two or more handicaps which produce multiple learning, development and/or behavioral problems. 113.1 Descriptions of children classified as multiply handicapped shall minimally include the definitions for each appropriate category. (See POP 102, POP 103, POP 104, POP 105, POP 106, POP 107, POP 108, POP 109, POP 110, POP 112, POP 114, POP 116.)	
114	ORTHOPEDICALLY HANDICAPPED Orthopedically handicapped individuals are those who exhibit a musculoskeletal condition of a type which might restrict normal opportunity for education or self support. The term is generally considered to include individuals with impairments caused by congenital anomaly, disease, and accident.	HANDBOOK V

Policy Number	Policy Statements and Administrative Procedures	Comments
115	TALENTED The "Talented" include individuals identified by professionally qualified personnel as being capable of high performance in one or more areas of special competence. Among those areas of special competence are creativity, leadership ability, social adeptness, and facility in the productive and performing arts.	Handbook V Many states are moving to a more generic definiton that includes "talented" under the definition of "gifted".
116	VISUALLY IMPAIRED Visually impaired individuals are those whose vision is impaired in any of its functions, as manifested by imperfect depth perception, faulty muscular action, or poor peripheral or central vision.	Handbook V

Policy Number	Policy Statements and Administrative Procedures	Comments
200	SCHOOL AGE CHILDREN It shall be the policy of each education agency to guarantee a free appropriate public education for every exceptional individual within the legal jurisdiction of the agency who is between the ages of three through twenty-one.	P.L. 94-142 mandates a free public education for all children three to eighteen by September 1, 1978, and for all children three through twenty-one by September 1, 1980.
201	PRESCHOOL AGE CHILDREN Dependent upon State regulations, education agencies may be responsible for providing appropriate educational opportunities for children ages birth through five.	P.L. 94-142 carries a special incentive grant aimed at encouraging the States to provide special education and related services to its preschool handicapped children. Each handicapped child in the State aged three to five who is counted as served will generate a special $300 entitlement.
202	SECONDARY/POST-SECONDARY AGE Depending on State regulations, education agencies may be responsible for providing free appropriate educational opportunities for individuals aged eighteen through twenty-five. Some limitations exist, in the form of a qualifying clause, that extends the responsibility of the education agency to those individuals in this age range who have "not obtained a high school diploma or its equivalent."	With respect to handicapped children aged three to five and aged eighteen to twenty-one, inclusive the requirements of P.L. 94-142 shall not be applied in any State if the application of such requirements would be inconsistent with State law or practice, or the order of any court, respecting public education within such age groups in the State. For further information regarding policies for Vocational education the reader is referred to the Vocational Education Policies Manual to be available from the Council for Exceptional Children in April, 1978.

CHILD IDENTIFICATION

PL 94-142, THE EDUCATION FOR ALL HANDICAPPED CHILDREN 's ACT requires that:

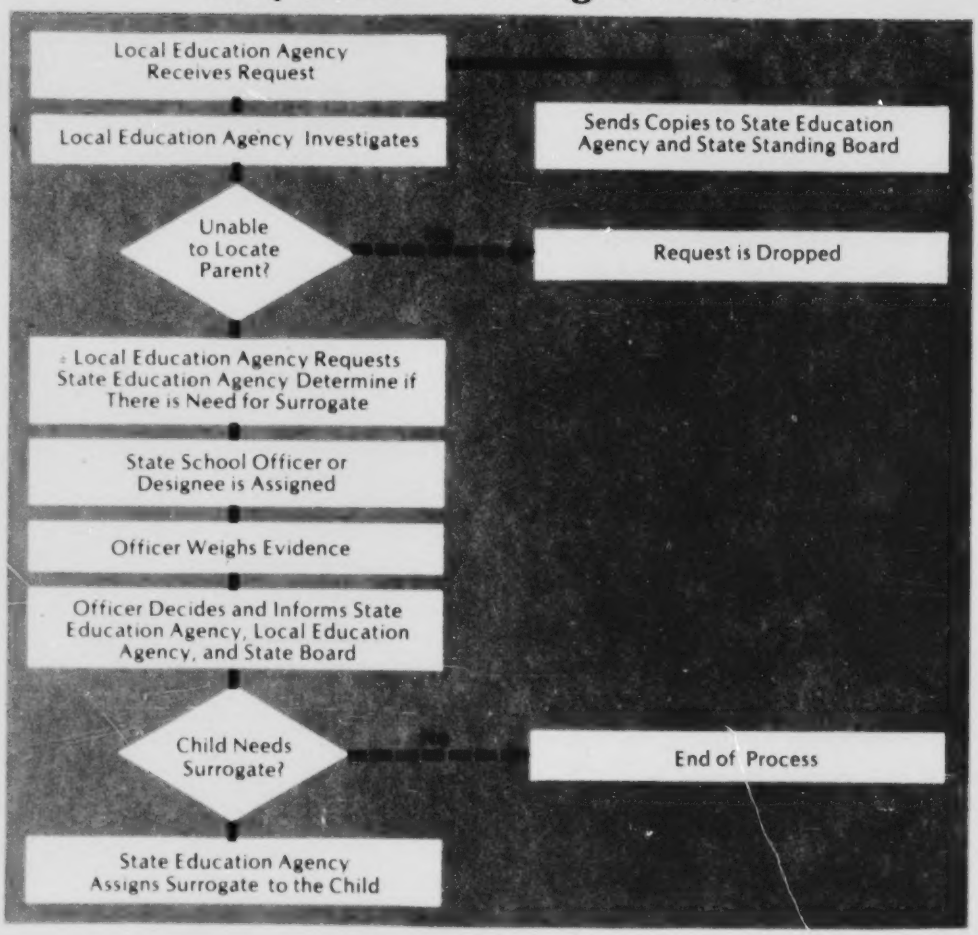
"(C) all children residing in the State who are handicapped, regardless of the severity of their handicap, and who are in need of special education and related services are identified, located, and evaluated, and that a practical method is developed and implemented to determine which children are currently receiving needed special education and related services and which children are not currently receiving needed special education and related services; (Sec. 612)

SEC. 504 OF THE VOCATIONAL REHABILITATION ACT

A recipient that operates a public elementary or secondary education program shall annually:
(a) Undertake to identify and locate every qualified handicapped person residing in the recipient's jurisdiction who is not receiving a public education; and
(b) Take appropriate steps to notify handicapped persons and their parents or guardians of the recipient's duty under this subpart.

Cumulative Time	Maximum Time For Each Step
10 days	10 days
40 days	30 days
45 days	5 days

Request for a Surrogate Parent


Local Education Agency Receives Request
Local Education Agency Investigates
Sends Copies to State Education Agency and State Standing Board
Unable to Locate Parent?
Request is Dropped
Local Education Agency Requests State Education Agency Determine if There is Need for Surrogate
State School Officer or Designee is Assigned
Officer Weighs Evidence
Officer Decides and Informs State Education Agency, Local Education Agency, and State Board
Child Needs Surrogate?
End of Process
State Education Agency Assigns Surrogate to the Child

Policy Number	Policy Statements and Administrative Procedures	Comments
100	CHILD-FIND It shall be the policy of each education agency to locate at least annually all persons between the ages of three through twenty-one who may be in need of special educational services. Child-Find activities may be conducted solely by the education agency or in cooperation with other public or private agencies.	Identification is the process of locating children who show indications that they might be in need of special services, whether or not those children are enrolled in public schools. Education agencies have a responsibility to make aggressive efforts to identify children currently excluded from school. Subsequently, each child located must be provided an appropriate education. P.L. 94-142 requires that each State establish priorities for providing a free appropriate public education to all handicapped children. First priority is with respect to handicapped children, who are not receiving an education and second with respect to handicapped children, within each disability, with the most severe handicaps who are receiving an inadequate education.
101	USE OF THE MEDIA IN PUBLIC SERVICE ANNOUNCEMENTS OF CHILD-FIND ACTIVITIES Each educational agency conducting Child-Find activities shall periodically utilize media for the purpose of conducting an awareness program to solicit public support to determine numbers of children with special needs ages zero through twenty-one.	Public agencies have often used the media to fulfill public notice requirements but have frequently done so through brief, poorly placed notices that gain little public attention. Notices should be placed in prominent places and should be positive in tone. Suggested uses of media include: • Newspapers: news stories, pictures, features, stories, editorials, columns, (cont.)

Policy Number	Policy Statements and Administrative Procedures	Comments
101		(cont.) • statistics, cartoons, space fillers, advertising drop lines, and public service advertisements • Radio: news, interviews, public service spots, comments, reminders, progress reports, statements, explanations • TV: news, interviews, public service spots.
102	CHILD-FIND MEDIA PRESENTATIONS; CONTENTS Every media presentation regarding Child-Find activities shall minimally describe the following information: • What the child-find activity is • When the activity occurs • The purpose of Child-Find • Where people should respond, giving the name, address, and phone number of the contact person.	
103	COMMUNITY SURVEY PROCEDURES All households within the jurisdiction of the education agency shall be surveyed at least annually for the purpose of locating and identifying individuals who might be exceptional. 103.1 Alternative appropriate acceptable survey methods: • A special education survey component conducted as an addendum to a regularly occurring census. • Door-to-door interviews of every household. • Telephone interviews of every household. • Mail-out questionnaires sent to every household. • Notices of Child-Find activities of education agency circulated through public utility companies. (cont.)	A positive partnership between community and education agencies should be established to provide continuous, on-going information regarding child-find activities. Organizational support for Child-Find activities may be solicited by education agencies in the following manner: • Handbills: house to house delivered by: scouts, youth groups, newspaper delivery, milk man, shopping bags, parking lots, ball games, etc. • Posters: local poster contest, banks, post office, schools, factories, stores, centers, churches, etc. (cont.)

Policy Number	Policy Statements and Administrative Procedures	Comments
103	(cont.)	• Public events: announcements, posters • Churches: bulletin notices, announcements, sermons • Civic clubs: programs, announcements • Chambers of Commerce: cooperation and publicity • Government officials - pamphlets, publicity • Schools: pamphlets, publicity.
104	CHILD-FIND DATA Each education agency shall establish written procedures for collecting and reviewing Child-Find data at least annually.	(The Federal requirements of both P.L. 94-142 and Section 504 of the Vocational Rehabilitation Act of 1973 require local, intermediate and state education agencies to conduct an assertive Child-Find program annually within the state.) The following public and private sources may be used to collect Child-Find data: • Professional persons in the community • private nursery schools • Day care facilities • Group homes • Organizations of parents of school age children with special needs • Clinical and health care agencies • Welfare agency • Private schools • Agencies and organizations from which school age children with special needs may ordinarily be referred, e.g., parochial schools, clinical or special nursery schools.

Policy Number	Policy Statements and Administrative Procedures	Comments
105	MINIMAL CHILD-FIND DATA Minimal Child-Find data shall include at least the following: • Name of child and address of residence • Date child was located • Agency responsible for locating child • Disposition of status of child (determination of served/unserved/underserved • Date child's name was given to local education agency • Designated agency responsibility for service.	
106	UTILIZING CHILD-FIND SURVEY DATA COLLECTED Each educational agency shall make a determination to proceed with further screening of evaluation of the child based on preliminary Child-Find data to determine if that child has special education needs.	

Policy Number	Policy Statements and Administrative Procedures	Comments
200	SCREENING PROCEDURES: KINDERGARTEN Each educational agency shall conduct at least annually screening for all kindergarten children in the areas of health, to include vision and hearing; visual, auditory and motor functioning, language development, and social/emotional development to determine the potential special education needs of each child.	Screening is a method whereby selected parts of tests and instruments are routinely administered to identify those children who may require additional evaluation to determine if special services are appropriate. Whenever a local or intermediate education agency screens children for potential identification of special needs, the education agency must notify parents and assure that parent and child rights are protected.
201	SCREENING PROCEDURES: PRESCHOOL Where State statute permits, education agencies shall provide at least annually screening for those children of preschool age for the purpose of identifying children who may have special education needs.	
202	SCREENING PROCEDURES: COMPONENTS Each educational agency shall determine screening procedures based on consideration of the following: • age level of pupil • socio-economic status of pupil • determination of each pupil's primary language • practicability of administration of screening tools • uniformity of administration by all examiners • validation of testing procedures • cultural background of pupil.	

Policy Number	Policy Statements and Administrative Procedures	Comments
203	SCREENING PROCEDURES: SPACE FOR CONDUCTING Appropriate space shall be allocated to allow for both individual and small group screening activities which include adequate room for: • informal play activities • assessment area stations (see ID 200) • individual parent/child/specialist interviews.	
204	SCREENING PROCEDURES: STAFF NUMBER Each education agency shall determine the appropriate number of staff required based on determination of: • number of children to be screened • length of screening by assessment area • total time required for entire screening • time needed for parent interview • time required for observation of child.	The responsibility of determining the staff for screening activities shall be the special education administrator or that person's designee. One early childhood education specialist or kindergarten teacher should be responsible for each screening area.
205	SCREENING PROCEDURES: ADDITIONAL ALTERNATIVE ACTIVITIES The following are recommended activities to be conducted during the screening activities for the purpose of gaining additional information about each child: 205.1 A parent interview should be conducted to obtain information on the child's development, history, and to identify any parent concerns and questions. 205.2 Observation of the child in a group situation may be accomplished by scheduling several children for structured play activities. 205.3 Observation of the child in a one-to-one situation may be conducted with or without the parent included in the screening activity.	Additional literature may be available at the time of screening for parents to review. Suggestions include: • special needs and State law and regulations • books on child development and child rearing • preschool programs and nurseries in the area • preschool special needs programs available. • parent programs • general community resources (social and medical).

Policy Number	Policy Statements and Administrative Procedures	Comments
206	SCREENING PROCEDURES: EXCEPTIONS TO CONDUCTING Each education agency shall annually conduct screening for all children at the kindergarten or entering schoci level unless written, documented reasons for waiving screening procedures are determined on an individual basis. Acceptable reasons include but are not limited to these circumstances: • The parents refuse to give permission; • The parents have arranged for the results of an equivalent screening, as determined by the person doing the school assessment, to be presented to the school; • An equivalent assessment, in the opinion of the person doing the school screening, has been completed during the six months prior to the time of the scheduled school assessment and has been made available to the school.	
207	SCREENING RESULTS It shall be the responsibility of each education agency to follow-up screening results. If, in the screening process, a child has been identified as having suspected special education needs in any one of the assessed areas (see ID 200), then a formal written referral for evaluation(s) must be made to determine the child's specific special education needs.	Local and intermediate education agencies should proceed to refer any suspected abused or neglected child for an evaluation to determine the child's special educational needs.

Policy Number	Policy Statements and Administrative Procedures	Comments
300	REGISTRY: COMPONENTS Each educational agency shall maintain a temporary register of all children in need of special education services. This register shall be annually reviewed and updated. Verified information includes: • Date of entry to the register • Date of birth • Full name of child • Full name of parents • Date, place and type of most recent evaluations conducted by the multidisciplinary team • Record of written individualized education program • Beginning date of special education services • Current educational placement of child • Date of reevaluation of child's educational plan • Information contained in this registry shall be subject to all provisions relating to Confidentiality (see Sec CSR, pp 1-15).	P.L. 94-142 requires that local, intermediate and State education agencies and other appropriate sources update at least annually information regarding: (A) the number of handicapped children in each State, within each disability, who require special education and related services; (B) the number of handicapped children in each State, within each disability, receiving a free appropriate public education and the number of handicapped children who need and are not receiving a free appropriate public education in each such State; (C) the number of handicapped children in each State, within each disability, who are participating in regular educational programs and the number of handicapped children who have been placed in separate classes or separate school facilities, or who have been otherwise removed from the regular education environment; (D) the number of handicapped children who are enrolled in public or private institutions in each State and who are receiving a free appropriate public education, and the number of handicapped children who are in such institutions and who are not receiving a free appropriate public education.

Policy Number	Policy Statements and Administrative Procedures	Comments
301	PRESUMPTION OF NO SPECIAL NEEDS Each education agency shall have a written policy statement presuming that each school age child is without special education needs until that child has been identified, evaluated, and placed in an appropriate individualized educational program.	

Policy Number	Policy Statements and Administrative Procedures	Comments
400	REFERRALS FOR SPECIAL EDUCATION Each education agency shall accept and process written referrals to determine the child's need for special education and related services.	Referral is one means of identifying children who might need special services. A person who suspects that a child might benefit from educational services makes a formal written referral to the education agency.
401	REFERRALS: PROCEDURE FOR ROUTING Each education agency shall establish a written procedure for routing referrals which indicates the individual(s) within the agency responsible for receiving special education referrals and for processing the referral to the appropriate agency person. 401.1 This provision may specify agency-wide responsibility, i.e., administrator of special education or designated alternative. 401.2 This provision may specify an area-wide responsibility, i.e., Intermediate Unit Administrator or designated alternative. 401.3 This provision may specify building level responsibility, i.e., Building Principal. 401.4 This provision may specify categorical specialist responsibility, i.e., special education teachers or supervisors.	A standard referral route should be established for use throughout the education agency, to clarify procedures for all personnel involved.
402	REFERRALS: STANDARD FORM Each education agency shall establish a standard referral form for processing special education referrals. This form shall contain, in addition to the basic identifying data of the child, at least the following information: • Name, position and signature of person making referral • Reason for the referral • Date of referral (see Form #1, for example).	

Policy Number	Policy Statements and Administrative Procedures	Comments
403	REFERRALS: SOURCES(S) Each education agency shall have a written policy statement affirming that every referral received will be processed. Each agency shall accept referrals from any public or private source. These include but are not limited to the following: • Student, self-initiated referral • Parents • Physicians • Teachers • Guidance counselor • Building principal • Psychologist • Other school personnel • Public health centers • Juvenile Court • Department of Social Services • Department of Vocational Rehabilitation • Nursery schools/day care centers • Private and parochial schools • Clergy • Department of Mental Health/Mental Retardation.	Administrators note that increasingly larger numbers of referrals for special education are coming from agencies other than public schools.
404	REFERRALS: LIMITATION When a referral for an evaluation of a school age child comes from within the education agency, documentation of all efforts to meet the child's needs within the context of services which are part of the regular education program must be provided. All efforts to modify the regular education program if appropriate to the child must be made. These efforts shall not limit or condition the right to refer a child for evaluation.	Every attempt made by the education agency to modify the child's current program to meet the individual's needs should be made and documented prior to initiating a form referral from within the education agency.

Policy Number	Policy Statements and Administrative Procedures	Comments
405	When a referral for an evaluation of a school age child comes from outside the education agency and the child is not currently attending the education agency's program, then intervention strategies employed prior to referral shall be noted. These efforts shall not limit or condition the right to refer a child for evaluation.	Frequently handicapped children will have been involved with a number of professionals outside the public schools. Every effort should be made to contact those professionals of agencies for their reports.
406	REFERRALS: SPECIFIC INSTANCES Each educational agency shall establish a procedure to individually review cases in order to determine whether or not a referral is in order. When the following situations occur, review of the case may be in order: 406.1 A child in the regular education program at mid year presents a substantial risk of non-promotion by failing two or more non-elective subjects. 406.2 A child in the regular education program fails to be promoted at the end of the year. 406.3 A child in the regular education program has been suspended for more than five school days in any one quarter or has been permanently excluded from school. 406.4 A child in the regular education program has been absent without a medical excuse for more than fifteen school days in any quarter.	Many administrators in urban school districts felt requiring referrals for medical or suspension reasons would place too heavy a load on the numbers of referrals to be processed.

Policy Number	Policy Statements and Administrative Procedures	Comments
407	REFERRALS: NOTIFICATION TO PARENTS No later than five school days after a school age child is referred for an evaluation by any referral source (see ID 403), the education agency shall send a written notice in the native language of the home to the parents of the child. Parents shall be informed of the following: • Reason evaluation has been requested • Name of person who made referral • Statement of parents' right to review and obtain copies of all records • Statement of parents' right to refuse permission for evaluation • Statement of parents' right to obtain independent educational evaluation • Statement of right to be fully informed of evaluation results. 407.1 It is recommended that this notice further contain the following information: • Description of procedures and instruments to be used and statement of parents' right to review them. • Written description of how evaluation findings are to be used. • Statement that the child's current placement will not change without written parental permission.	The procedure required by P.L. 94-142 shall include: "(C) written prior notice to the parents or guardian of the child whenever such agency or unit-- "(i) proposes to initiate or change, or "(ii) refuses to initiate or change, the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child; "(D) procedures designed to assure that the notice required by clause (C) fully inform the parents or guardian, in the parents' or guardian's native language, unless it clearly is not feasible to do so, of all procedures available pursuant to this section; and "(E) an opportunity to present complaints with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to such child.
408	REFERRALS: FOLLOW-UP TO PARENTAL NOTIFICATION Each education agency shall have written procedures for obtaining written parental permission for evaluation(s). These procedures should specify that within ten school days of the initial written notification, the educational agency shall again contact (or attempt to contact) parents.	Positive, early communication(s) from the education agency to the parents and/or eligible child help reinforce the parent/school partnership in making appropriate education decisions for the child with special needs.

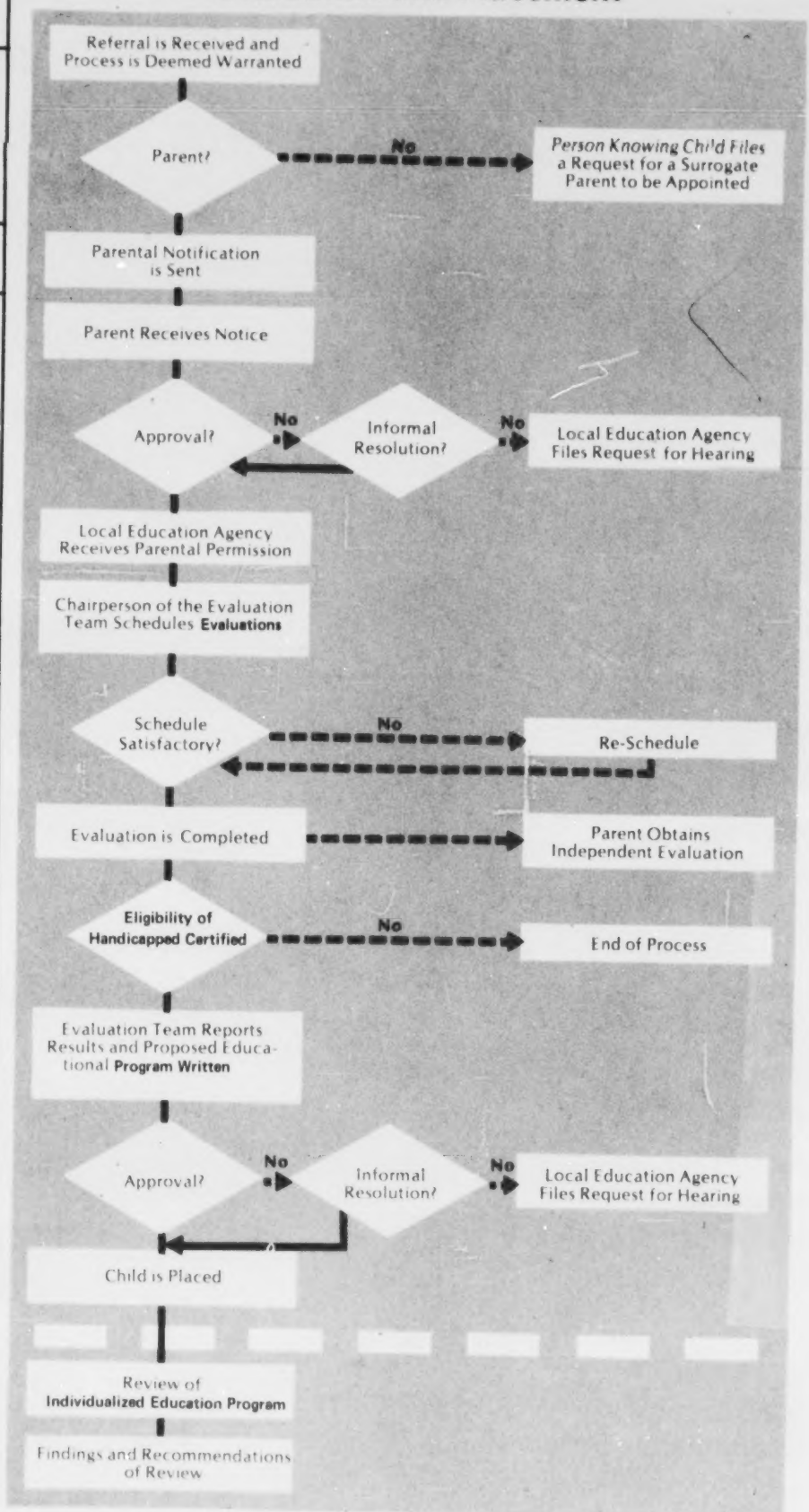
Policy Number	Policy Statements and Administrative Procedures	Comments
408	(cont.) Contact may be made in any of the following ways: • Home visit • Telephone contact • Regular Mail • Certified Mail	
409	Each attempt made by the educational agency to contact parents shall be documented, minimally including the following information: • Date of contacts • Person making contact • Parent Response	
410	After three unsuccessful documented attempts and within 30 school days of failure to contact parents for permission to proceed with the referral, the educational agency must determine the appropriate next step for the child. The agency may: 410.1 Agree with parents and stop the referral process 410.2 Determine that the referral is in the best interest of the child. In this instance, the agency may: • Request a due process hearing • Refer case to appropriate human service agency for protection of child rights guaranteed under their laws (Welfare, Dept. of Corrections, Youth Services).	Professionals have a legal responsibility to report all cases of child abuse and neglect. Likewise, professionals have a moral commitment to assure that children receive appropriate educational services.
411	REFERRALS: PARENTAL SIGNATURES Prior to proceeding with any evaluations of a child, written permission must be secured from parents. Copies of the parental signature(s) for evaluations shall be filed in the following places: o In the Special Education Administrator's office o In the child's permanent record	

Policy Number	Policy Statements and Administrative Procedures	Comments
412	REFERRALS: CHANNEL OPTIONS Once the decision to proceed with the referral is made, each education agency shall utilize one of three options to act on the referral. These include but are not limited to: • A multi-disciplinary team of the education agency • A public or private community agency • An approved, licensed or Board Certified private practitioner(s).	

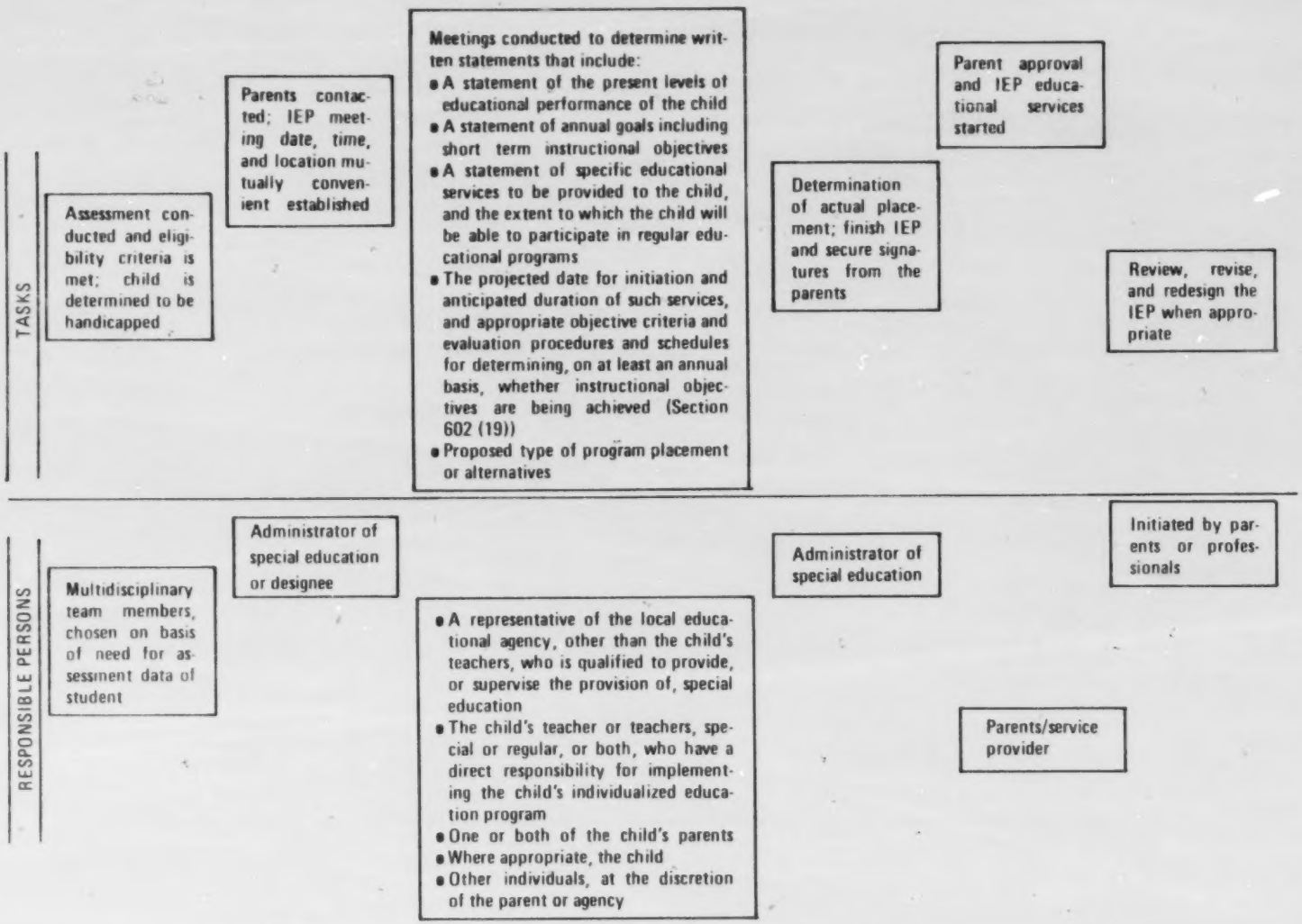
Policy Number	Policy Statements and Administrative Procedures	Comments
500	PARENT SURROGATES In instances where a child is a ward of the State or when the child's parents or guardians are unknown or unavailable, then an individual, not an employee of the State or local agency involved in the education of the child, should be assigned by each education agency to act as a surrogate for the parents or guardian.	Children whose parents or guardians are unknown or unavailable, or children who are wards of the State, do not have their rights safeguarded unless there is an advocate to act for them. P.L. 94-142 provides for an individual to be appointed to safeguard a child's rights in the specific instance of educational decision making, identification, evaluation and placement. The chart at the beginning of this section indicates the process to be followed when an education agency requests a parent surrogate for a child. Local and intermediate education agencies occasionally resort to the courts to name a surrogate. As an example, in the State of Conn., the secretary of the State Board of Education or his designee may petition the juvenile court in the district wherein the child resides for the appointment of a surrogate parent who shall represent such child in the educational decision making process.
501	SURROGATE LIABILITY Each education agency shall establish written policy which provides that no surrogate parent appointed pursuant to State statute shall be liable to the child entrusted to his or the parents or guardian of such child for any civil damages which result from acts or omissions of such surrogate parent which constitute ordinary negligence. This immunity shall not apply to acts or omissions constituting gross, willful or wanton negligence.	(Conn. Act 76-429) This is proposed language that education agencies may wish to adopt. According to the plan filed by each State, the written policies and procedures of each local and intermediate education agency should conform to the surrogate parent requirements of the State law.

Evaluation and Placement

Cumulative Time	Maximum Time For Each Step
5 days,	5 days
7 days	2 days
12 days	5 days
17 days	5 days
47 DAYS	30 days
57 days	10 days
	8 months
	10 days



DEVELOPING AN INDIVIDUALIZED EDUCATION PROGRAM (IEP)


TASKS
Assessment conducted and eligibility criteria is met; child is determined to be handicapped
Parents contacted; IEP meeting date, time, and location mutually convenient established
Meetings conducted to determine written statements that include:
• A statement of the present levels of educational performance of the child
• A statement of annual goals including short term instructional objectives
• A statement of specific educational services to be provided to the child, and the extent to which the child will be able to participate in regular educational programs
• The projected date for initiation and anticipated duration of such services, and appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether instructional objectives are being achieved (Section 602 (19))
• Proposed type of program placement or alternatives
Determination of actual placement; finish IEP and secure signatures from the parents
Parent approval and IEP educational services started
Review, revise, and redesign the IEP when appropriate
RESPONSIBLE PERSONS
Multidisciplinary team members, chosen on basis of need for assessment data of student
Administrator of special education or designee
• A representative of the local educational agency, other than the child's teachers, who is qualified to provide, or supervise the provision of, special education
• The child's teacher or teachers, special or regular, or both, who have a direct responsibility for implementing the child's individualized education program
• One or both of the child's parents
• Where appropriate, the child
• Other individuals, at the discretion of the parent or agency
Administrator of special education
Parents/service provider
Initiated by parents or professionals

This material appears in A Primer on Individualized Education Programs for Handicapped Children, S. Torres (ed.) The Foundation for Exceptional Children, Reston, Virginia, April 1977.

Policy Number	Policy Statements and Administrative Procedures	Comments
100	EVALUATION: NON DISCRIMINATORY PROVISIONS For the purposes of developing an individualized education program for each child, each local, intermediate, or state education agency shall establish procedures requiring nondiscriminatory testing and evaluation practices. Each education agency shall consider the following: 100.1 Assessment instruments shall be appropriately adapted when used with children of impaired sensory, physical, or speaking skills and must consider each child's age and socioeconomic and cultural background. 100.2 Specialists implementing evaluation procedures must be familiar with local cultural, language, and social patterns and practices. 100.3 Tests and similar evaluation materials shall be administered in the child's primary language, wherever appropriate. 100.4 Interpreters, in the native language, and/or in sign language may be used throughout all phases of the evaluation. 100.5 All communication with parents and the child shall be in the native language of the home. 100.6 Local community norms shall be established when norm referenced tests are used. 100.7 Criterion referenced instruments should be used. 100.8 Developmental checklist(s) should be used where appropriate. 100.9 Instruments shall be administered only by trained personnel according to the producer's instructions. 100.10 Instruments shall assess specific abilities, not merely produce a single IQ score. 100.11 No one result shall determine placement.	Evaluation: Through the identification process, children suspected of needing special services are located. A team within the education agency conducts an in-depth evaluation of each child to verify a suspected education need. Specialized tests, evaluative instruments and observations by professionals are components of the process. P.L. 94-142 requires that procedures for selecting testing and evaluation materials and procedures developed for the purpose of evaluation and placement of handicapped children will not be racially or culturally discriminatory. Such materials or procedures shall be provided and administered in the child's native language or mode of communication unless it clearly is not feasible to do so, and no single procedure shall be the sole criterion for determining an appropriate educational program for a child.

Policy Number	Policy Statements and Administrative Procedures	Comments
101	EVALUATION: ADAPTATION OF INSTRUMENTS All assessment instruments must be adapted to meet the individual needs of the child being evaluated. At a minimum, this requires that: • Instruments be adapted according to age, socio-economic, and cultural background of each child either before or during a child's evaluation. • Instruments be adapted for children with perceptual problems either before or during a evaluation.	
102	EVALUATION: SPECIAL CONCERNS AS RELATED TO MINORITY GROUP INDIVIDUALS • All communications with parents and the child regarding the evaluation(s) presented to the parents and the child shall be in the native language of the home. • All written results of evaluation(s) presented to the parents and the child shall be in the native language of the home.	"Native language" has the meaning given that term by sec. 703 (a) (2) of the Bilingual Education Act (20 U.S.C. 880b-1 (a) (2)).

Policy Number	Policy Statements and Administrative Procedures	Comments
200	EVALUATION: ASSESSMENT AREAS Each education agency shall conduct an evaluation in all educationally related areas to verify a child's suspected need for special education.	Refer to Definition of Terms for distinction between Evaluation and Assessment. Assessments are conducted by professionals for the purpose of obtaining information about the child's performance. It is critical then that all assessment information used to make educational decisions provide practitioners with a bridge between assessments conducted and indicated present levels of performance. Assessments should be selected on a child-by-child basis, rather than resorting to a "Standardized battery" that professionals have traditionally used.
201	EDUCATIONAL STATUS Each education agency shall provide an assessment of the child's educational status which includes: • A history of the child's prior evaluations • An overview of the child's school progress • A statement of the child's current academic standing.	
202	EDUCATIONAL ASSESSMENT Each education agency shall provide an educational assessment by a certified or approved teacher who recently had or currently has the child in a classroom or other teaching situation. Such assessment shall include: • An analysis of the child's specific behavioral abilities along a developmental continuum, with a comparison of those abilities to the tasks which are contained in the regular education program. • A statement of school readiness, functioning or achievement.	

Policy Number	Policy Statements and Administrative Procedures	Comments
202	(cont.) • A statement of the child's behavioral adjustment, attentional capacity, motor coordination, activity levels and patterns, communication skills, memory and social relations with groups, peers and adults.	
203	HEALTH ASSESSMENT Each education agency shall arrange for a comprehensive health assessment completed by a physician when appropriate for the child's needs. Such assessment shall include: • Present and past medical review • Comprehensive physical examination • Current existing medical conditions and prescribed treatment (s).	It is important that the physician have a thorough knowledge of the child. The physician is asked to make any recommendations which may include specific advice given to the parents, as well as any other kinds of intervention the physician would recommend to meet the student's needs. If, after completing the medical assessment, it is determined that there are still unanswered medical questions, the physician should include specific recommendations for additional assessments.
204	PSYCHOLOGICAL ASSESSMENT Each education agency shall provide an assessment by a psychologist when appropriate to the child's needs. Such assessment shall include: • An individually appropriate psychological examination culminating in specific recommendations, based upon the child's developmental and social history. • Observation of the child in familiar surroundings, such as a classroom or home. • Inventory of sensory, motor, language, perceptual, attentional, cognitive, affective, attitudinal, self-image, interpersonal, behavioral, interest and vocational factors, in regard to their maturity, integrity and interaction with the educational and/or home context.	Those professionals conducting both psychological and social assessments must begin to report their findings in such a manner as to indicate present levels of the child's performance. Too often extraneous and useless information is collected only to later discover that it serves no real purpose in determining a child's need for special education and related services.

Policy Number	Policy Statements and Administrative Procedures	Comments
205	SOCIAL ASSESSMENT Each education agency shall provide an assessment by a nurse, social worker, or a guidance or adjustment counselor when appropriate for the child. Such assessment of pertinent family history and home situation factors including with prior written parental consent, a home visit, shall include: • A description of pertinent family history and individual developmental history and estimates of adaptive behavior at home, in the neighborhood and in local peer groups. • Estimates of adaptive behavior shall be based to the greatest possible degree on information obtained by direct observation of the child or direct interview of the child in the neighborhood setting.	
206	ADDITIONAL SPECIALIST ASSESSMENTS Each education agency shall require that each certified, licensed, or board approved specialist providing an assessment component shall give the child a professionally sound, complete and suitable individualized examination or assessment, in the context of the child's physical, developmental, social and educational history and current circumstances.	Based on the individual needs of the child, additional specialist assessments may be required. When appropriate the education agency should request that each specialist follow all of the policy and procedural requirements set forth in this manual that pertain to the identification and evaluation of a child determined to have special education needs.
207	COMPONENTS OF EDUCATIONAL HISTORY A written summary of the educational history of the child shall be completed by the child's teacher and/or guidance counselor. The components of the educational history shall minimally contain: • The child's academic grades. • The child's achievement and aptitude test scores; a statement of the child's current academic standing. • Previous educational strategies used to remediate child's educational need.	

Policy Number	Policy Statements and Administrative Procedures	Comments
207	(cont.) 207.1 Inclusion of the following components will provide a more complete understanding of the child's educational functioning: • A statement of the child's social relations with groups, peers, and adults based on classroom and teacher observations. • A description of the child's academic strengths that promote learning. • A description of the child's physical limitations and behavior that inhibit learning.	
208	ASSESSMENT REPORTS OF SPECIALISTS Each specialist completing an assessment in accordance with Sections 102, 200 - 207, shall summarize in writing at least the following information in order to determine the child's levels of performance: • The evaluation procedures employed. • The results and diagnostic implications. • Statement(s) indicating the child's needs and explicit means of meeting those needs in detail, in educationally relevant but common terms. • Recommended prescriptive elements required to meet the child's needs. • Proposed date for review of the child's progress and stated criteria by which, at that time, the effectiveness of the child's program may be determined.	Assessment reports of each specialist should be written and contain not only a summary of the diagnosis but specific educational recommendations, corresponding to the diagnosis that indicate present levels of performance.
209	EXCEPTIONS TO CONDUCTING EVALUATIONS Each education agency shall conduct individual evaluations on a child unless there are written and documented reasons determined on an individual basis, for waiving evaluations. Acceptable reasons may include but are not limited to circumstances where:	

Policy Number	Policy Statements and Administrative Procedures	Comments
209	(cont.) • The parents refuse to permit an evaluation. • The parents arrange for an evaluation of their child by a qualified professional (as determined by the education agency) outside of the education agency. • An equivalent evaluation in the opinion of the education agency has been completed within a specific time period prior to the time of the scheduled school assessment.	

Policy Number	Policy Statements and Administrative Procedures	Comments
300	EVALUATIONS: MULTIDISCIPLINARY STAFFING TEAM Within 10 school days of the decision to evaluate, the team of specialists conducting the evaluations shall meet for the purpose of determining the child's eligibility as being handicapped according to State and Federal criteria.	Procedures should be adopted to assure that assessment of a handicapped child in the educational agency will be multifactored and multisourced, in order to provide a comprehensive view of the child from the perspective of the school, home, and community. (P.L. 93-380 advisories)
301	EVALUATIONS: MULTIDISCIPLINARY STAFFING TEAM MEMBERSHIP Each educational agency shall establish teams for the purpose of compiling the evaluation results and determining the child's eligibility. The minimum number of team members recommended are: • A parent (guardian, surrogate) of the child. • A certificated or approved teacher who has recently had or currently has the child in a classroom or other teaching situation. • An administrative representative of the local school department. • A certified or board licensed psychologist where required by State policy.	Membership of the team, determined on an individual child's case basis, shall be decided by the Administrator of Special Education or designed in conjunction with the Building Administrator. Often State policy dictates the members of the multidisciplinary team. Caution should be exercised so as to only include those persons who have relevant information required to make appropriate educational decisions.
302	ADDITIONAL STAFFING TEAM MEMBERSHIP Based on individual needs of the child, additional specialists may be necessary to determine eligibility for special education and related services. These include but are not limited to: 302.1 A registered nurse, or social worker with a master's degree in social work or a certified guidance or adjustment counselor. 302.2 The child, at his/her request, if such child is over the age of majority or eighteen through twenty-one or whenever appropriate as determined by local policy. (cont.)	Many State laws as well as local and intermediate education agency policies permit and in fact encourage student involvement in their own education planning and placement conferences.

Policy Number	Policy Statements and Administrative Procedures	Comments
302	(cont.) 302.3 Any specialists responsible for conducting evaluations. 302.4 The primary person, if any, who will be assisting the teacher in implementing the child's educational program. 302.5 Upon the request of the child's parents, at their expense, any professional outside the school system who is currently working with such child. 302.6 With parental permission, one parent member of the education agency's Parent Advisory Committee may participate as a member of the multidisciplinary team as an advocate for the child.	The addition of other personnel currently working with the child often provides an accurate, more complete representation of the child's education needs. In addition, many parents are choosing to include, with their permission, child advocates and/or a representative of the legal profession to act as a child advocate.
303	CASE MANAGEMENT To facilitate case management, a chairperson shall be designated by the administrator of special education from among the members of the staffing team to coordinate the evaluation staff meeting(s).	
304	DETERMINATION OF SPECIAL NEEDS Within 30 school days after the initiation of the evaluation process, the staffing team must make a written determination of the child's educational needs. In the event that no special services are indicated for the child, this decision shall be written and signed by the team members.	

Policy Number	Policy Statements and Administrative Procedures	Comments
400	INDIVIDUALIZED EDUCATION PROGRAM Each education agency shall have policies requiring that based on the indicated needs of the child, determined by the assessment team (see membership, Sec. 301 and 302), a written specific individualized education program shall be written for each child ten days after the evaluation has been completed but no later than the 30 days designated in Sec. 304.	P.L. 94-142 requires that each local and intermediate education agency establish, or revise, whichever is appropriate, an individualized education program for each handicapped child at the beginning of each school year and then review and if appropriate, revise, its provisions periodically, but not less than annually. The State education agency and each local education agency shall insure that an individualized education program is provided for each handicapped child who is receiving or will receive special education, regardless of what institution or agency provides or will provide special education to the child. Each local education agency shall develop, or revise, whichever is appropriate, an individualized education program for every handicapped child at the beginning of the school year, and review and if appropriate, revise its provisions periodically, but not less than annually.

Policy Number	Policy Statements and Administrative Procedures	Comments
401	PARTICIPANTS REQUIRED TO DEVELOP THE INDIVIDUALIZED EDUCATION PROGRAM Each local education agency shall develop written procedures which insure that each meeting to develop the individualized education program includes the following participants: • A representative of the local education agency, other than the child's teachers, who is qualified to provide, or supervise the provision of, special education. • The child's teacher or teachers, special or regular, or both, who have a direct responsibilities for implementing the child's individualized education program. • One or both of the child's parents. • Where appropriate, the child. • Other individuals, at the discretion of the parent or agency.	From a policy perspective, one of the critical decisions education agencies must make is to determine what "wherever appropriate, the child" means in terms of practice. Criteria must be established so as to guide decisions about the inclusion or exclusion of the child. Several factors to consider when determining appropriateness of including the child in the meeting to develop the IEP are: • Age of the student. • Grade level. • Parental requests. • The student's request.
402	COMPONENTS OF AN INDIVIDUALIZED EDUCATION PROGRAM Each education agency shall establish uniform procedures which insure that the following written components are contained in each individualized education program developed for each exceptional student:	In order to develop the individualized education program in conformance with the requirements of Public Law 94-142, these components must be included in each individualized education program developed for every handicapped child requiring special education and related services.

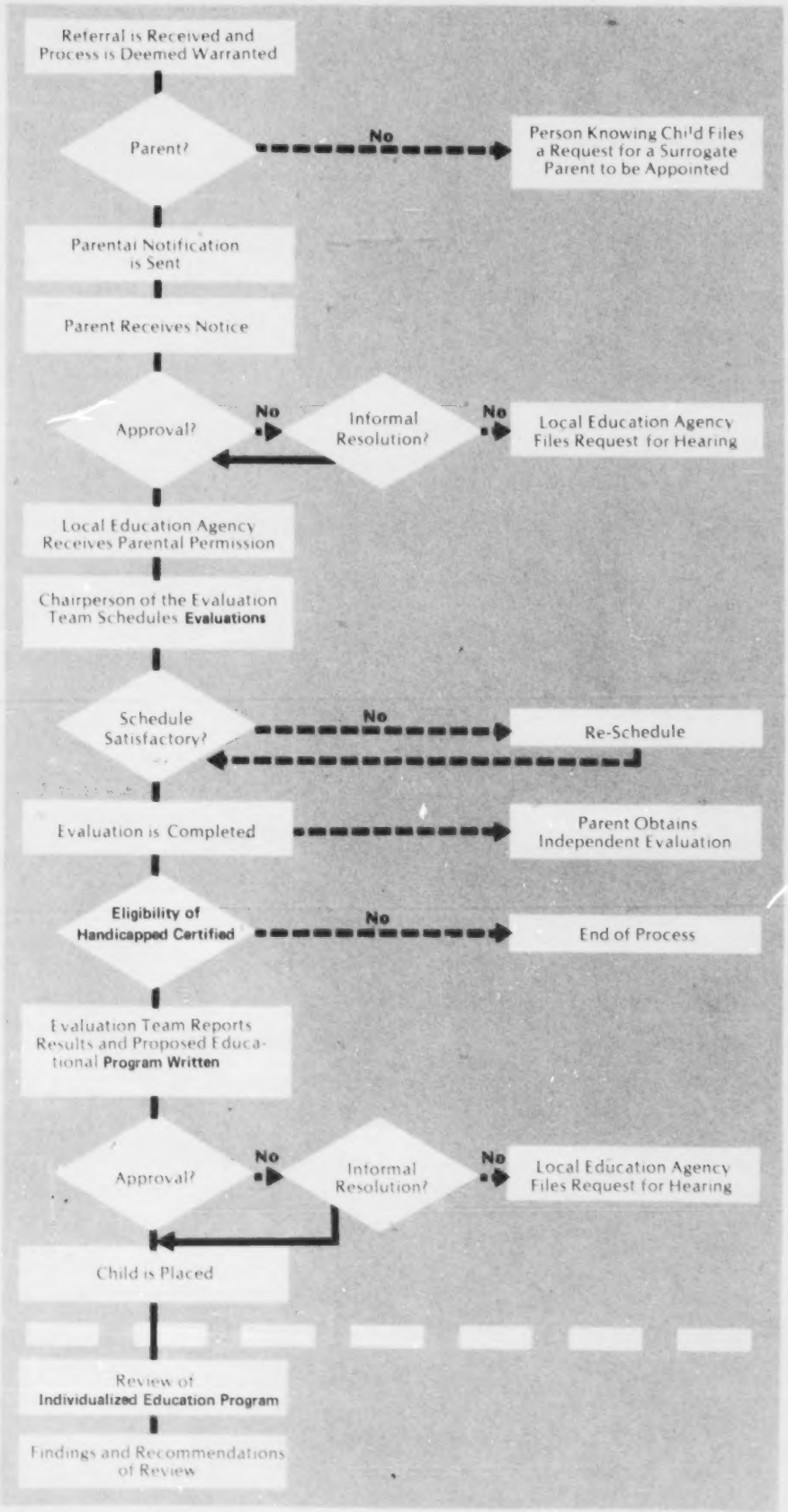
Policy Number	Policy Statements and Administrative Procedures	Comments
402	(cont.) • A statement of the child's present levels of educational performance, including academic achievement, social adaptation, prevocational and vocational skills, psychomotor skills, and self-help skills. • A statement of annual goals that describes the educational performance to be achieved by the end of the school year under the child's individualized education program. • A statement of short term instructional objectives, which must be measurable intermediate steps between the present level of educational performance and the annual goals. • A statement of specific educational services needed by the child, including a description of all special education and related services that are needed to meet the unique needs of the child, including the type of physical education program in which the child will participate. • The date when those services will begin and length of time the services will be given. • A description of the extent to which the child will participate in regular education programs. • A justification for the type of educational placement that the child will have. • A list of the individuals who are responsible for implementation of the individualized education program. • Objective criteria, evaluation procedures, and schedules for determing, on at least an annual basis, whether the short term instructional objectives are being achieved. 402.1 In order to effectively plan for the individual needs of each child, the following additional components are recommended for inclusion in the written educational program:	Section 504 of the Vocational Rehabilitation Act of 1973 requires that implementation of an individualized education program developed in accordance with the Education of the Handicapped Act is one means of meeting the requirements of providing a free appropriate education. The statement of a commitment of specific educational services reinforces the Congressional intent that the individualized education program be used by education agencies as a management tool. Once educational services are committed, then the allocation of resources (human, time, and fiscal) distinguishes this requirement of a program from an instructional plan. The two terms are not interchangeable. While each of these components are suggested for inclusion in sound administrative planning, it should be noted that many children would not require this amount of documentation if the individual education program is developed appropriately.

Policy Number	Policy Statements and Administrative Procedures	Comments
	402.1 (cont) • When appropriate, a statement of the modifications to be made in the child's regular education program so that it will meet the child's needs. • A statement of the support services or training which will be provided directly to the regular classroom teacher or the special class teacher and the method and personnel to be used to provide such services or training. • Criteria set (in terms of objectives to be met) for returning the child to the next least restrictive environment. • A list of all material, supplies and equipment necessary to implement the child's individual education. • Transportation plans. • Specification of any support services which should be provided to the child's parents in order to meet the individual child's educational needs.	
403	STAFFING TEAM RECOMMENDATIONS Based on the specific services recommended in the written individualized education program (Sections 400, 401), the staffing team shall make placement recommendations which consider at least the following for the child: • Length of day.	Unless the team can document the need for a shorter day, every child who has special education needs has the right to attend school for the same length of time as all other students. In some instances the needs of a child may require longer periods of time, i.e., a twenty-four hour scheduled day may be appropriate.

Policy Number	Policy Statements and Administrative Procedures	Comments
403	(cont.) • Length of school year.	Unless the team can document the need for a shorter school year, every child who has special education needs has the right to attend school for the same amount of school time per year as all other students. In some instances, the needs of a child may require longer periods of time for education throughout the year. Thus, consideration (when appropriate to the child's needs) must be given to scheduling other alternatives to the standard school year. Options include programming for a 12-month school year.
404	PLACEMENT OF CHILD PENDING EDUCATIONAL PROGRAM RECOMMENDATIONS Between the time that a child is referred for an evaluation and the time an educational program placement is made by the team for the child, each education agency shall establish written procedures which provide or arrange to provide for an educational placement for the child. 404.1 A child shall remain in the current placement at the time of the referral unless the education agency or the child's parents submit a written statement showing that the child's presence endangers the health or safety of the child or others. 404.2 When a child is at home at the time of the referral, it is the responsibility of the education agency to provide the child with temporary education services until an individualized education program can be written.	

Evaluation and Placement

Cumulative Time	Maximum Time For Each Step
5 days,	5 days
7 days	2 days
12 days	5 days
17 days	5 days
47 DAYS	30 days
57 days	10 days
	8 months
	10 days



Policy Number	Policy Statements and Administrative Procedures	Comments
100	PLACEMENT Each education agency shall have a written policy statement guaranteeing every exceptional child the right to a free appropriate public education which may not in any instance be compromised because of inadequacies in the educational system or existing public policies. Placement recommendations must always be made in the least restrictive setting appropriate for the child's needs.	P.L. 94-142 is not a mainstreaming law. That term does not appear in either statute or regulation form. The term least restrictive is used instead. Section 504 of the Vocational Rehabilitation Act of 1973 requires that a recipient to which this subpart applies shall educate, or shall provide for the education of, each qualified handicapped person in its jurisdiction with persons who are not handicapped to the maximum extent appropriate to the needs of the handicapped person. A recipient shall place a handicapped person in the regular educational environment operated by the recipient unless it is demonstrated by the recipient that the education of the person in the regular environment with the use of supplementary aids and services cannot be achieved satisfactorily. Whenever a recipient places a person in a setting other than the regular educational environment pursuant to this paragraph, it shall take into account the proximity of the alternate setting to the person's home.

Policy Number	Policy Statements and Administrative Procedures	Comments
101	PLACEMENT, RECOMMENDATIONS Recommendations for the placement of a child shall be made on the basis of special education and related service needs of the child. Education agencies must not make recommendations for placement on the basis of categorical programs available. Recommendations of the staffing team shall be solely for specific services needed.	
102	PLACEMENT, SPECIAL EDUCATION ADMINISTRATOR RESPONSIBILITY Based on the staffing team recommendations of needed special education and related services it shall be the responsibility of the special education administrator or designee to locate and place a child in the most appropriate program in the least restrictive environment for the child.	
103	PLACEMENT, TIME LIMITS Within 10 school days of the recommendation for program placement, the child shall receive the appropriate services as prescribed in the written individualized education program. (See Sec. AG, pp. 7 for administrative options to provide services.)	Review of the child's placement shall be conducted at least annually. Periodic review is always indicated. It is recommended that an appropriate time for reporting education progress occur at the regular grading intervals established by the education agency.
104	PLACEMENT, REVIEW OF CHILD'S PROGRESS The individualized education program developed for each child shall be reviewed periodically, at least annually. The following shall be considered as part of the review: • Whether the child has achieved the goals set • Whether the child has met the criteria which indicate readiness to enter a less restrictive program. • Whether the program the child is in should be specifically modified to render it more suitable to the child's needs.	
105	PLACEMENT, REEVALUATION OF CHILD Reevaluations (See Sec. E, pp 1-14) may occur at any time the parents or education agency determine that a reevaluation in any assessment area is needed to obtain more diagnostic information on the child. However, each child shall have a complete reevaluation at least every three years.	Reevaluations may occur at parental request or when child's needs indicate, but must be conducted at least every three years.

Policy Number	Policy Statements and Administrative Procedures	Comments
106	PLACEMENT, TERMINATION OF PROGRAM Each education agency shall have a written policy which guarantees that no education program will be terminated for an exceptional child without the following acceptable reasons: • The written individualized education program indicates the need for new and/or different services. • A staffing team determines that the educational goals and objectives set for the child have been achieved and the child no longer requires special services. • Written request for termination of special services is received from parent or a student over the age of majority. • The legal residence of the child changes to another community outside the legal jurisdiction of the education agency.	

Policy Number	Policy Statements and Administrative Procedures	Comments
200	CERTIFICATE/DIPLOMA PROVISIONS Each education agency shall review and revise graduation requirements so that each exceptional child has the opportunity to receive a certificate/diploma upon successful completion of the education program. Written policies of the education agency shall determine the requirements for a diploma/certificate to be issued.	Many graduation requirements are established by each State's policy on this issue.
201	CERTIFICATE/DIPLOMA ISSUANCE Each education agency shall issue the same certificate/diploma to exceptional children as is granted all children meeting the requisites necessary for completion of the education program. Determination of completion of the course of study shall reflect the following alternatives: • The education agency certifies the child has successfully completed a planned course of study. • The education agency verifies completed competence required for a course of study.	Regardless of the criteria determined by the education agency for issuance of a high school diploma/certificate, the document shall be the same for each exceptional child as that issued to all other students meeting requirements for graduation.
202	CERTIFICATE/DIPLOMA, ALTERNATIVE LEARNING EXPERIENCES Each education agency may utilize any of the following alternative learning experiences to meet the requirements of a certificate/diploma issuance (Sec. 201): • Work experience • Volunteer service • Special Career programs • Schools within schools • Senior options • Travel and Study • Apprenticeships • College course work • Satellite schools	Because of the individual education needs of exceptional children, alternative educational experiences obtained by the exceptional child should apply towards certification of successful completion of requirements for certificate/diploma issuance.

Policy Number	Policy Statements and Administrative Procedures	Comments
300	DISCIPLINARY ACTION Each educational agency shall have written policy and procedures outlining responsibilities of education agency personnel whenever disciplinary action is taken. Such policies must conform to due process provisions protecting the individual rights of the student and the professional. In every instance of disciplinary action taken by the education agency, the parent shall be notified in writing, prior to enactment of the action whenever possible. Each education agency shall establish written guidelines outlining procedures to follow that insure due process guarantees protected by State and Federal law. (See Sec. P, 303, pp. 6).	Supreme Court decisions in the early 1970's addressed the rights of all students with regard to disciplinary proceedings. The Court ruled in landmark cases such as Wood v. Strickland and Gross v. Lopez that public schools must extend due process protections to students faced with suspension or expulsion from school for disciplinary reasons. Such students must be presented with the charges being brought against them and have the right to a hearing before action can be taken against them.
301	STUDENT SUSPENSION No exceptional education student shall be suspended from school without prior telephone notification followed by written notification to the parent and/or student. Education agencies shall establish standard procedures for providing a written document which contains: • Date of event(s) which led to a suspension recommendation. • Description of the observable event(s). • Names and titles of person(s) involved in event. • Description of the activities taken immediately following the event. • Summary recommendations documenting why suspension is necessary. • A list of alternative disciplinary activities to a recommended suspension. • Record of contact with parent regarding the disciplinary event.	Written signatures must be obtained of the person recording the incident and the person recommending suspension. Signatures should be attached to the suspension document. Frequently, in the case of an exceptional child, alternative disciplinary action may be more appropriate than a recommended suspension. In many instances, written policy statements regarding student suspension are the same as those written for non-handicapped persons. Written policy regarding suspension must be adhered to for all children regardless of the child's handicapping condition.

Policy Number	Policy Statements and Administrative Procedures	Comments
302	STUDENT SUSPENSION: REASONS Each education agency shall have written policy outlining specific behavior which warrants suspension. Guidelines for descriptions include instances where: • The education agency can document that as a result of a student's inappropriate behavior the health, safety, and welfare of the offending student or other students or staff is endangered. • The inappropriate behavior demonstrated by the student is a direct violation of a written policy of the Board of Education.	
303	SUSPENSION: RIGHT OF STUDENTS Each education agency shall protect the rights of exceptional students in any disciplinary action by minimally adhering to the following: • No suspension shall be imposed without an informal administrative conference held within two days with the pupil and parents, except where it appears that a pupil will create an immediate and substantial danger to persons or property. The appropriate building administrator shall be responsible. • The staff will honor the rights of those students aged eighteen or older, as per State law governing the rights of the age of majority. • If the student is under eighteen years of age, the student's parents must be notified of the student's suspension. (See Sec. P, 301, p. 5.)	
304	SUSPENSION: ADMINISTRATIVE CONFERENCE A written notice containing the grounds for suspension, a brief statement of the facts, a description of the testimony, a plan for the readmission of the student, and a copy of the State and/or local provisions regarding suspensions shall be personally served upon the pupil at or before the time of suspension is to take effect. A similar copy shall be served upon the student's parent or guardian, by mail within forty-eight hours of the conference, if the student is under eighteen years of age.	Provisions must be made that in the event a handicapped person is suspended, that all of the same procedures are in effect as for those persons not handicapped.

Policy Number	Policy Statements and Administrative Procedures	Comments
305	SUSPENSION WITHOUT ADMINISTRATIVE CONFERENCE If an exceptional student is suspended without an informal administrative conference, on the basis that the pupil will create an immediate and substantial danger to persons or property around him or her, the written notice shall be served either personally or by certified mail upon the pupil and his parent or guardian within forty-eight hours of the suspension.	
306	SUSPENSION: STUDENT DISMISSAL There may be instances where an exceptional student's behavior is regarded as inappropriate and it appears advisable to dismiss the student from school for a single day or less. In such instances, the education agency shall conform to the written procedures contained in Sec. P, 301. • Such action may be taken only if the student has a parent or guardian to supervise the student upon release or the student is of majority age and regarded as responsible for his or her own actions at the time of release from school. • No student shall be dismissed on either a long term or short term basis without previous counseling, instruction, or written warnings pertaining to the student's behavior--unless the behavior is regarded as potentially detrimental to the health, safety and welfare of the student, other students, or staff.	Caution must be exercised; for years, handicapped have been suspended from school as a means of "getting rid" of students and placing them at home with no special education or related services provided other than a home tutor for a minimal amount of time each day.
307	SUSPENSION: RETURN TO PLACEMENT Each education agency shall develop written policy regarding the return placement of the suspended student by designating the procedures used with the following options: • Return to previous education placement. • Filing a formal referral for special education and specifying the education services the student will be provided in the interim. • A court action/placement recommendation.	

SAMPLE EDUCATION AGENCY RESOURCE INVENTORY

Program Type	Staff	Material Resources	Instructional Interventions	Interagency Services
Regular classroom	Teachers	Regular curriculum guides	Diagnosis	Human resources Physical health Mental health Vocational rehabilitation Family and child services
Regular classroom with direct or indirect assistance (provide definition)	Consulting teachers	Special curriculum guides	Intervention	
Itinerant	Itinerant teachers	Special equipment	Treatment	
Crisis intervention	Methods and materials and curriculum specialists	Special instructional materials	Therapy	Natural resources Recreation Lifetime sports
Resource room	Resource room teachers	Diagnostic material	Training	
Self contained	Special therapists Audiologists Speech therapists Physical therapists Occupational therapists Recreation therapists Music therapists Medical consultants Other		Programing	Intermediate school district Direct services Indirect services
Multisystem unit			Regular education	
Special center			Special education	State department of education Instruction Special education Vocation rehabilitation Federal programs Other
Private center, school			Reevaluation	
Homebound/hospital			Followup	
Residential	Support teachers Reading Math Other	Other resources	Staff development	
	Paraprofessionals	Curriculum modification		Other Special hospitals Special clinics Community service Organizations
	Counselors	Intraschool differentiated staffing		
	Visiting teachers			
	School social workers			
	School psychologists			

This material appears in A Primer on Individualized Education Programs for Handicapped Children, S. Torres (ed). The Foundation for Exceptional Children, Reston, Virginia, April, 1977.

Policy Number	Policy Statements and Administrative Procedures	Comments
100	SERVICE DELIVERY: A CONTINUUM OF SERVICE Each educational agency shall have written policy outlining its responsibility to provide a continuum of education services (see Sec. AG 100-107, pp 1-3). This continuum shall start with the educational alternative placement in the least restrictive environment. (See Sec. P 100 Discussion).	A variety of program alternatives must be available in every education agency to meet the varied needs of exceptional children. The continuum represents programs in the least restrictive placement (regular education program with modifications) through the most restrictive environment (a 24-hour residential program). For a diagram of the Special Education program continuum, the reader is advised to refer to E. Deno's Cascade of Services. Local and intermediate education agencies often house special education programs in an open school/open classroom environment. In those instances, it may be difficult to isolate for identification purposes, the specific program type in which the exceptional child is enrolled. However, time spent away from the regular classroom can be measured and that time should appear on the child's written individualized education program.
101	REGULAR EDUCATION PROGRAM WITH MODIFICATIONS The child remains in the regular program and receives auxiliary and supportive services appropriate to his needs. Modifications in program and support services are delivered by the regular class teacher, or by an itinerant teacher who is fully certified and who functions as a methods and materials consultant to the classroom teacher.	

Policy Number	Policy Statements and Administrative Procedures	Comments
102	CONSULTATIVE SERVICES A qualified special education teacher provides assistance through the classroom teacher for identified exceptional students attending regular classes.	
103	RESOURCE ROOM PROGRAMS Services are provided in a separate room for a short period each day to children who are placed in a regular program. Specific objectives are prescribed.	
104	INTEGRATED PROGRAMS Children are identified with their special class and are integrated into other regular class settings whenever possible.	
105	SELF-CONTAINED CLASS/SCHOOL A special class composed solely of children with special needs placed with a special education teacher for all or a major portion of the day.	
106	DIAGNOSTIC PLACEMENT A substantially separate program on a short-term basis designed for the child who cannot be conclusively diagnosed and cannot fit into the regular program even if it is modified. 106.1 Whenever a Diagnostic Placement is recommended for a child, it shall be the responsibility of the staffing team to include: • A prepared list of specific questions about the child which the personnel conducting the diagnostic program shall attempt to answer. • Diagnostic procedures used prior to this recommendation with documented successes and failures of procedures. • Specification of duration of time child will stay in this placement. Under no circumstances shall child remain in this program type for longer than six (6) weeks.	The time a child spends in such a program is specified, and a diagnostic team meets at specified periods to review the child's progress. The diagnostic program is designed on a short-term basis. Under the requirements of PL 94-142, a child cannot be counted until he/she is receiving a free, appropriate public education. Because the individualized education program is one means of assuring that, it is impossible to place a child in a program until the IEP is developed. Therefore, a child placed in this type of program is not counted until an appropriate placement recommendation is made.

Policy Number	Policy Statements and Administrative Procedures	Comments
	106.2 Such diagnostic program shall terminate when all questions posed by the staffing team are answered or when the six-week limit expires, whichever comes first. At such time an individualized education program shall be written by the staffing team for the child.	
107	HOMEBOUND AND HOSPITALIZED INSTRUCTION Instruction developed to meet a particular child's needs is provided for a specific time each school day in the child's home or in the hospital. The program shall meet the following minimum requirements: • The program shall be provided at the child's home or at the hospital to which he/she is confined. • The program shall be provided during the regular school hours and at least before 4:00 p.m. on each day that the public school which the child would normally attend is in session. • Program content shall be the same as the content of the program which is being provided in the class which the child would normally attend if able to attend public school. The program shall be reduced or increased if the child's physician states that a lesser or greater curriculum would be in the child's best interests and is so specified in the individualized education program. • The physician who states that the child must remain at home or in the hospital for more than fourteen school days shall state, in writing, and make available to the education agency, the following: 107.1 The specific reasons why the child must remain at home or in a hospital. 107.2 The criteria under which the child can return to a program provided within a public school facility, and the expected date of such return.	This placement option shall be viewed as temporary and when medically necessary to restrict the child's education to the environment of the hospital or home. Due to certain physical restraints and needs of a child, use of adaptive equipment, instruction via telephone and/or radio and TV are often used.

Policy Number	Policy Statements and Administrative Procedures	Comments
108	PRESCHOOL PROGRAMS Each local and intermediate education agency shall, where permitted by State statute, provide education programs for preschool aged children. There are several alternative program structures that include but are not limited to the following: 108.1 A preschool child is seen on a regular basis by a special education teacher in a room located in a school setting. Parental involvement in this program is encouraged. 108.2 Home Visitation Service for Preschool Children. A special education teacher works with the child and his parents on a regular basis in the child's home.	P.L. 94-142 provides that the Commissioner of Education shall make a grant to any State which provides special education and related services to handicapped children aged three to five inclusive, who are counted for purposes of this Act. Section 504 of the Vocational Rehabilitation Act of 1973 reguires that a recipient to which this subpart applies who operates a preschool education or day care program or activity or an adult education program or activity may not, on the basis of handicap, exclude qualified handicapped persons from the program or activity and shall take into account the needs of such persons in determining the aid, benefits, or services to be provided under the program or activity. The 504 regulation appears to require that preschool programs will not discriminate on the basis of handicap, with such program accessibility to take effect immediately. P.L. 94-142, on the other hand, explicitly states that there shall be available a free appropriate public education for children three through five and youth 18 through 21 unless such requirement is inconsistent with State law or practice, or the order of any court. P.L. 94-142 does not require such availability until September 1, 1978.

Policy Number	Policy Statements and Administrative Procedures	Comments
109	PARENT/CHILD INSTRUCTION When parent/child instruction is recommended by the staffing team of the local or intermediate education agency, this program shall have the following characteristics: • It shall be supplemental to other programs provided and shall not be the exclusive means of providing special education to a child. • It shall consist of training and support provided to parents to enable them to participate in educating or treating their child. Specification of the required training and support shall be made in writing as a component of the educational plan. • No parent shall be required to participate in parent/child instruction, and the consent of each parent shall be obtained, in writing, prior to such participation.	There may be need for parent/child instruction as a supplemental service to the child's individualized educational program. However, an education agency cannot require parental involvement as a prerequisite for providing special education and related services to the child.
110	CAREER AND VOCATIONAL EDUCATION PROGRAMS Each education agency shall make available to exceptional students access to all career and vocational programs offered to all students. These program options shall include career development, career exploration, vocational assessment and individualized vocational preparation program plans offered in a variety of settings.	
111	ADULT EDUCATION Whenever appropriate to the student's education needs, the education agency shall make any Adult Education programs of courses available to the exceptional student.	Section 504 of the Vocational Rehibilitation Act of 1973 requires that a recipient to which this subpart applies who operates an adult education program or activity may not, on the basis of handicap, exclude qualified handicapped persons from the program or activity and shall take into account the needs of such persons in determining the aid, benefits, or services to be provided under the program or activity.

Policy Number	Policy Statements and Administrative Procedures	Comments
112	NON-PUBLIC DAY SCHOOL PROGRAMS (PRIVATE SCHOOLS) Each education agency may place children in non-public facilities in order to fulfill their public policy mandate to provide an appropriate education for the child. Criteria for placement of an exceptional child in a non-public facility, as recommended by the local or intermediate education agency staffing team shall include the following: • The child's program shall be conducted for the number of days in the public school year, unless the staffing team recommends that a program with a longer or shorter duration is in the child's best interests. • The child's program shall have a duration of at least five hours each day unless the staffing team recommends that a shorter or longer day is in the child's best interests. • The child shall return home each night. • Each education agency shall consider the distance of the proposed placement from the child's residence. • The site of the program shall be within one hour traveling time, one-way, from the child's home. Where a school commitee believes that a longer traveling time may be necessary and worthwhile, it shall make a written request for approval for such placement from the parents. (See Sec. SD 400 for further private school requirements).	Placement of an exceptional child in this type of program requires that the child's individualized education program specify that 100% of the child's time is spent in a special education program which neither the local nor intermediate agency can provide.
113	RESIDENTIAL SCHOOL PROGRAM (PUBLIC OR PRIVATE) Priority for program placement shall be as close to the child's home as possible. Out-of-state placements are appropriate only after the education agency has exhausted every effort to locate an appropriate program within the State.	Placement of an exceptional child in this type of program requires that the child's individualized education program specifies that 100% of the child's time is spent in a Special Education program and that a residential component is required.

Policy Number	Policy Statements and Administrative Procedures	Comments
200	COMMUNITY-BASED EDUCATION SERVICES The education agency, in conjunction with public and private human service agencies shall plan for the establishment of community-based services which provide alternatives for living, particularly for those students living in an institutionalized community.	Alternatives for living may be public or private and may include group homes, apartment living, "half-way" homes, "work farms," or camps. Frequently, it is impossible for a student living in an institutionalized community to move to a less restrictive education alternative because no community-based education services are available. As local and intermediate education agencies increasingly assume the responsibility of educating each exceptional child within their legal jurisdiction, the following guidelines are provided to enable education agencies to have the necessary information for the establishment of community-based education services.
201	COMMUNITY-BASED EDUCATION SERVICES: PROGRAM CHARACTERISTICS Each education agency shall work with all other agencies involved to establish community-based education programs which have the following characteristics: • Services must meet the needs of persons of all ages, must accommodate the problems of individuals possessing all degrees of disabilities, and be available when and where needed by the individual. • Services must be based upon a systematic plan for continuity which interrelates with other established services and agencies. • Services must have a legal vested authority which enables the fixing of responsibility and accountability with implementation power. • Services must be designed to permit educational program placement in the least restrictive environment appropriate for the child.	

Policy Number	Policy Statements and Administrative Procedures	Comments
202	COMMUNITY-BASED EDUCATION SERVICES: MINIMAL STANDARDS The central element for the delivery of all the services required by an exceptional person is an individually designed education program. Such a program must contain at least: • Evaluation procedures and time frame to be completed (see Sec. E, pp. 1-9). • A written individualized education program (see Sec. E, p. 10). • Designation of the appropriate resources for implementation of the individualized education program. • Stated process for review and reevaluation of education program (see Sec. P, p. 2).	The creation and operation of a series of alternative settings for exceptional persons to live and to develop to the greatest degree possible require that service providers continuously strive to deliver the highest quality services possible. P.L. 94-142 requires that (1) handicapped children in private schools and facilities will be provided special education and related services (in conformance with an individualized educational program as required by this part) at no cost to their parents or guardian,if such children are placed in or referred to such schools or facilities by the State or appropriate local educational agency as the means of carrying out the requirements of this part or any other applicable law requiring the provision of special education and related services to all handicapped children within such State, and (2) in all such instances the State educational agency shall determine whether such schools and facilities meet standards that apply to State and local educational agencies and that children so served have all the rights they would have if served by such agencies.

Policy Number	Policy Statements and Administrative Procedures	Comments
300	PRIVATE SETTINGS Private settings are an alternative for service delivery by education agencies only when the education agency is unable to provide the appropriate program for the child.	Children in private elementary and secondary schools may receive special education services from an approved private placement when determined appropriate for the child as stated in the individualized education program by the education agency. Fiscal accountability will determine the appropriateness of the decision by the education agency to invest in its own program expansion or contract for this service.
301	RECOMMENDATIONS FOR PRIVATE PLACEMENT At least the following shall be considered by the education agency when recommending a private placement: • Such children are placed in or referred to such schools by the State or local education agency as a means of carrying out public policy. • An individualized education program is maintained for the child in the private facility. • The special education and related services are at no cost to the parents. • The State education agency determines that participating schools meet the standards that apply to State and local education agencies. • The children served in such facilities are accorded all of the educational rights they would have if served directly by public agencies.	These recommendations refer only to placement of an exceptional child in a private program that has been recommended as part of the individualized education program by the local and/or intermediate education agency. Section 504 of the Vocational Rehabilitation Act of 1973 requires that if placement in a public or private residential program is necessary to provide a free appropriate public education to a handicapped person because of his or her handicap, the program, including nonmedical care and room and board, shall be provided at no cost to the person or his or her parents or guardian.

Policy Number	Policy Statements and Administrative Procedures	Comments
302	PARENTAL RIGHT TO PROVIDE EDUCATION No policy statement or alternatives contained in this manual shall be construed to limit or deny the right that parents have always had to enroll their children, solely at their own expense, in a private school if they prefer such a school.	Parents always retain the option of selecting a private school program and sending their child to that program at their own expense.

Policy Number	Policy Statements and Administrative Procedures	Comments
400	STATE EDUCATION AGENCY PROGRAMS P.L. 94-142 requires that the State educational agency be responsible for ensuring that all requirements of the Act are carried out. All education programs within the State for all exceptional children, including programs administered by any other State or local agency, must meet State educational agency standards and be under the general supervision of persons responsible for the education of exceptional children. This provision established a single line of authority within one State agency for the education of all exceptional children within each State.	While the responsibility to supervise all education programs rests with the State Education Agency under P.L. 94-142, it should be recognized that currently many State statutes mandate Human Service Agencies to provide education for children in State schools for the many categorical disability areas such as Deaf, Blind, or Multiply Handicapped. Therefore, inter-agency cooperation is essential in order to coordinate all programs and services required for exceptional children in State education agency programs. P.L. 94-142 further requires that the Commissioner of Education shall measure and evaluate the impact of the program and the effectiveness of State efforts to assure the free appropriate public education of all handicapped children. The Commissioner shall be responsible for evaluating programs through (1) the development of effective methods and procedures for evaluation, (2) the testing and validation of such methods and procedures, and (3) conducting actual evaluation studies designed to test the effectiveness of such programs and projects.

Policy Number	Policy Statements and Administrative Procedures	Comments
500	REQUIRED EDUCATION AND RELATED SERVICES Education and related services recommended for the child as part of the individualized education program shall be directly related to the achievement of the annual goals and short-term educational objectives specified in the child's written individualized education program. These may include but are not limited to:	All related services necessary to support the objectives specified for the child in the written education plan shall be provided. See the definition of Related Services in the Introduction section of this manual.
501	VOCATIONAL EDUCATION SERVICES Vocational education services shall include: • Courses and programs in prevocational and vocational training. • Site visits, occupational tryouts, and work-study programs. • Vocational and career counseling. • Rehabilitation counseling.	The following examples of types of related services that are usually available to a handicapped child are suggested.
502	SPECIAL EDUCATION SERVICES Special education services shall include all the services which the various categories of certified or approved special education teachers are professionally qualified to provide.	
503	THERAPY AND RELATED SERVICES Therapy and related services shall include: • Nursing services. • Occupational therapy. • Physical therapy. • Peripatology. • The services of a physician in prescribing physical and occupational therapy.	
504	SPEECH AND LANGUAGE SERVICES	
505	SOCIAL SERVICES Social services may include the following: • Consultation between a social worker and a regular or special education teacher concerning the child. • Individual consultation by a social worker about an identified problem with the child. • Crisis intervention by a social worker consisting of short-term casework with the child.	

Policy Number	Policy Statements and Administrative Procedures	Comments
505	(cont.) • Individual casework provided by a social worker to the child. • Group sessions conducted within the public school regular education facility by a social worker for the child.	
506	COUNSELING SERVICES Counseling services are provided by an appropriate qualified professional, including but not limited to a social worker, school adjustment counselor, guidance counselor, psychologist, psychiatrist, nurse or physician.	
507	PSYCHOLOGICAL SERVICES Psychological services include the following: • Consultation between a psychologist or psychiatrist and a regular or special education teacher concerning the child. • Individual consultation by a psychologist or psychiatrist about an identified problem with a child. • Crisis intervention by a psychologist or psychiatrist consisting of short-term treatment for the child. • Individual treatment intervention provided by a psychologist or psychiatrist to the child. • Group sessions conducted within the public school by a psychologist or psychiatrist for the child. • Group or individual sessions provided by a psychologist or psychiatrist for school-age children who are causing problems for the child. The purpose is to alleviate the problems caused for the child.	While P.L. 94-142 does not include psychiatric diagnosis, evaluation and treatment in the definition of related services, many education agencies purchase these services as a need is determined when serving handicapped children.

Policy Number	Policy Statements and Administrative Procedures	Comments
600	EXTRACURRICULAR ACTIVITIES Children classified as exceptional shall have access to, because of their special education needs, participation in extracurricular, intramural, and interscholastic activities as well as health, recreation, and social service activities.	Section 504 of the Vocational Rehabilitation Act of 1973 requires that education agencies shall provide nonacademic and extracurricular services and activities in such manner as is necessary to afford the handicapped students an equal opportunity for participation in such services and activities (84.39).

Policy Number	Policy Statements and Administrative Procedures	Comments
700	PROGRAM EVALUATION Each education agency shall establish written procedures for evaluating at least every two years all public and private special education programs providing services to children for which the agency has responsibility. Program evaluation responsibility extends to those programs: • In which the education agency has the direct administrative responsibility for the education program which includes related services. • In which the education agency contracts for program services.	A variety of program evaluation approaches exist to determine the status of programs to the education agency. These options include but are not limited to: (1) A macroscopic evaluation of all programs for which the education agency has the responsibility to provide. This may be accomplished by evaluating every program by isolating like criteria. (2) A program evaluation undertaken to evaluate all similar types of programs. An example would include: • All like categorical disability programs (LD). • All like types of programs (Resource rooms). (3) A program evaluation reporting data from only one program.
701	PROGRAM EVALUATION: AGGREGATE DATA The aggregate data derived from any program evaluation shall minimally provide education agencies with: • A comprehensive description of educational programs and related services evaluated. • Recommendation(s) for indicated change within the program. • Personnel changes (if necessary)needed to fulfill recommendations. • A time-line for implementing recommended changes. • Technical assistance required as a result of program evaluation recommendations.	
	PROGRAM EVALUATION: PERSONNEL CONDUCTING Whenever a program evaluation study is undertaken by an education agency, a team shall be organized for the purpose of conducting the evaluation. This team shall minimally include:	Each education agency has the responsibility to provide training for each member of the evaluation team.

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702	(cont.) • The Administrator of Special Education. • A Regular Education Administrator. • Special Education Teacher(s). • Regular Education Teacher(s). • Parent(s). • Specialists in the provision of related services to the education of exceptional children.	
703	PROGRAM EVALUATION: COMPONENTS Each education agency conducting a program evaluation shall determine criteria for measuring the effectiveness of the programs with respect to at least each of the following program components: • Staff Development, (see Sec. PR, pp 3-5). • Child Identification Procedures (see Sec. ID, pp. 1-16). • Program Delivery Options and Services (see Sec. SD, pp. 1). • Personnel (see Sec. PR. pp. 1). • Implementation of Right to Education Mandates (see Sec. RE, pp. 1). • Finance (see Sec. FM, pp. 1). • Implementation of Written Individual Education Programs (see Sec. E, pp. 10).	
704	PROGRAM EVALUATION: WRITTEN REPORTS Each education agency conducting a program evaluation shall designate in a written report (in addition to those elements contained in Sec. SD 703, p. 16) the following information: • Names of persons (team) conducting the program evaluation. • Date(s) of program evaluation. • Names and positions of personnel interviewed. • Listing of materials and methods observed during evaluation. • Overall strengths and weaknesses of the program. • Recommendations for program improvement.	

Policy Number	Policy Statements and Administrative Procedures	Comments
100	FACILITIES: GENERAL PROVISIONS Each education agency shall develop written policy regarding facilities to be used by exceptional children. Policy statements shall include at least the following general provisions: • Programs for children with special needs are provided in rooms which are at least equal in all physical respects to the average standards of the rest of the school. • The facilities in which special programs are provided are such as to maximize the integration of exceptional children into the life of the school and to minimize the separation and stigmatization of such children. • Children with limited mobility should have access to those areas of school buildings where they can be educated in the least restrictive setting. • Each education agency shall provide whatever equipment and make whatever physical adaptations in its public school facilities as are necessary to comply with local and State policy.	P.L. 90-480 prohibits architectural barriers that deny access to public facilities to handicapped persons. P.L. 94-142 authorizes such sums as may be necessary for the U.S. Commissioner to award grants to pay all or part of the cost of altering existing buildings and equipment to eliminate architectural barriers in educational facilities. Such provision is aimed at assuring certain handicapped children an appropriate public education in the least restrictive environment. Section 504 of the Vocational Rehabilitation Act of 1973 prohibits descrimination regarding program accessibility by requiring that no qualified handicapped person shall, because an education agency's facilities are inaccessible to or unuseable by handicapped persons, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which the regulations apply.

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101	FACILITIES: STANDARDS FOR BUILDINGS AND CLASSROOMS The education facility used to provide special education and related services to exceptional children must meet the following minimum standards: • It has been approved by health, fire, and safety officials. • Food service is available and accessible. • Outdoor play areas are accessible and free from traffic hazards. • Buildings or classrooms have adequate and accessible toilet facilities. • Classrooms are of size and condition equal to regular classrooms as defined by State law (regardless of class size). • Classrooms have adequate ventilation, lighting and heating. • Sufficient storage space is available. • Sufficient and appropriate work space is provided. • Sufficient and appropriate furnishings are available. • Adequate glare-proof and shadow-proof lighting. • Convenient electrical outlets are in the room(s). • Rooms are private, and free of extraneous noise.	When determining the appropriate facilities for a special education program each educational agency shall consider quality standards for educational programs.
102	FACILITIES: ADAPTATIONS All facilities shall contain the following minimal modifications so as to insure they are accessible to each handicapped person: • Wide doorways • Nonskid floors • Hand rails • Round corners • Protected coat hooks • A short ramp up steps • Hand bar by drinking fountain; in toilet stall; near section of blackboard.	See also American National Standard: Specifications for Making Buildings and Facilities Accessible to, and Useable by the Physically Handicapped developed by the American National Standard Institute, July 1976. Section 504 of the Vocational Rehabilitation Act of 1973 requires that education agencies shall operate each program or activity so that when viewed in its entirety, it is readily accessible to handicapped persons. This provision does not require a recipient to make each of its existing facilities on every part of

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		a facility acessible to and useable by handicapped persons. (84.22a.)
103	FACILITIES: BUILDING PROVISIONS Each educational agency shall develop written policy in concert with State and local building regulations and educational laws relating to facilities. Provisions for facilities providing special education and related services may include consideration of the following: • Education agencies may convert, build, or lease the necessary facilities or may use existing facilities for the purpose of establishing and maintaining classes for one or more exceptional pupils who are residents of the State. • Plans and specifications for every special education facility must include a statement of the educational and related objectives and functions to be served and the uses to be made of the facility, as well as architectural plans and specifications. • No school construction project will be approved unless and until the appropriate State agency is satisfied that adequate provisions have been made for exceptional children. • A single school district or two or more school districts may acquire, build, establish, and maintain sites and buildings necessary for the education of one or more types of exceptional children who are residents of the district(s) with the approval of the appropriate party. • Geographical locations of the exceptional children to be served should be considered when facilities are to be purchased, converted, remodeled, or constructed. • The education agency has the responsibility to pay the cost of purchase, conversion, remodeling and/or construction, and the cost of building equipment for any acquired site or facility.	Education agencies are now required to provide appropriate education services to all handicapped children. In some instances education agencies are remodeling or designing new facilities for use when providing education services. Therefore, this policy statement and administrative procedures are provided as recommendations for consideration by each education agency.

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100	TRANSPORTATION: GENERAL PROVISIONS Each education agency, in conjunction with State laws, shall establish written policy that provides for appropriate transportation services required for the individualized education programs of exceptional children. 100.1 A variety of methods may be utilized by the education agency to meet the individual transportation needs of exceptional children. These include: • Standard school buses • Other public carriers (mini-bus, vans) • Taxi service • Private vehicles	Lack of publicly supported education funds may never be used as an excuse for denying appropriate educational services to a child who has special needs. P.L. 94-142 includes transportation under the definition of related services and each education agency must make the necessary transportation provisions for each handicapped child that requires that service. Section 504 of the Vocational Rehabilitation Act of 1973 requires that if an education agency places a handicapped person in or refers such person to a program not operated by the recipient as a means of implementing this policy then the recipient shall ensure that adequate transportation to and from the program is provided at no greater cost than would be incurred by the person or his or her parents or guardian if the person were placed in the program operated by the education agency.
101	TRANSPORTATION: OWNERSHIP Each education agency shall accommodate the exceptional students' transportation needs by either: • Owning the transportation vehicles • Contracting for transportation services with a public or private contractor • Renting transportation vehicles • Sharing ownership of vehicles with an intermediate unit. • Reimbursing private carriers who provide transportation.	These options are presented to support the various means available to education agencies in order to provide appropriate transportation for handicapped students.

Policy Number	Policy Statements and Administrative Procedures	Comments
200	TRANSPORTATION: RESPONSIBILITY • Each education agency shall transport or arrange for transportation of a child in need of special education on regular vehicles or on specially adapted vehicles. • Education agencies are responsible for picking up handicapped persons at the residence of their parents or guardian unless alternate arrangements are mutually agreed upon by the district of residence and the parent. • Parents are responsible for getting handicapped persons to the vehicle at curbside or drive.	In some cases, preschool or severely impaired persons may be picked up at the door when circumstances deem it appropriate for their safety.
201	TRANSPORTATION: WRITTEN PLAN Each education agency shall include individual transportation services when required by the exceptional student in the written individualized program of the student (See Sec. E, pp. 13.) The following shall be included whenever appropriate: • All reasonable available transportation which the child requires in order to participate fully in all parts of the program. • All conditions which must be met in order to safely transport the child.	
202	TRANSPORTATION PROVIDED BY PARENTS If the education agency requests that the parents transport the child, the agency shall pay them at least the prevailing rate per mile paid state employees for each mile. No parent shall be required to provide transportation, nor shall any education agency be relieved of the obligation to provide transportation for a child because of the inability or unwillingness of parents to provide transportation.	In each instance where parents provide transportation the education agency must check to make certain the insurance provisions regarding students are in place.

Policy Number	Policy Statements and Administrative Procedures	Comments
300	TRANSPORTATION: PERSONNEL Each local and intermediate education agency shall establish written procedures and policy regarding the transportation of exceptional students for all transportation personnel.	
301	TRANSPORTATION AIDES Recommended policies for transportation aides include the following requirements: • Transportation aides may be employed under such circumstances as required to insure the safety and well being of the exceptional person and the driver. • A qualified attendant or aide is placed on each vehicle that transports any child(ren) who has special needs requiring special attention which could distract the driver. • An attendant or transportation aide shall be an employee of the education agency, not a volunteer.	Because of the specific needs of some students, aides must be provided by the education agency in order to assure safe passage to and from school each day.
302	TRANSPORTATION: BUS DRIVERS Recommended policies for bus drivers include the following requirements: • Bus drivers shall receive training to become familiar with the special needs of exceptional children. • Bus drivers shall report any unruly rider to the principal. • Bus drivers shall attempt disciplinary measures only in an extreme case when the safety of the trip is at stake. • Bus drivers may not evict a rider from the vehicle without following proper procedural due process to guarantee the rights of the child.	

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303	TRANSPORTATION: INSERVICE Each education agency shall provide an in-service training program for operators of vehicles carrying exceptional children to acquaint them with the needs of the children they are transporting and to equip them to meet those needs. The operators shall be required by the school board to complete an in-service training course within the first six months of their employment.	
304	Each education agency shall ascertain the nature of any need or problem which an exceptional child has which may cause difficulties during transportation, such as seizures or a tendency to suffer motion sickness. Disabilities include an inability to hear, see or communicate. The education agency shall provide this information to any person who operates a vehicle in which the child is transported.	

P.L. 94-142 Timetable

FISCAL YEAR	SERVICE TIMETABLE
1977-78 (10/1/77 to 9/30/78)	* Substantive provisions, such as SEA "general supervision" and further modifications from P.L. 93-380 of procedural safeguards mechanism, take effect. * Individual education programs must be developed for all handicapped children by local and intermediate education agencies receiving a local entitlement.
1978-79 10/1/78 to 9/30/79	* A free appropriate public education must be available for all handicapped children in a given state, commencing September 1, 1978, ages three to eighteen, if the state is to continue receiving P.L. 94-142 funds. * Individual education programs must be developed for all handicapped children in the state, regardless of the public agency (agencies) delivering the educational program.
1979-80 10/1/79 to 9/30/80	
1980-81 10/1/80 to 9/30/81	* A free appropriate public education must be available for all handicapped children in a given state, commencing September 1, 1980, ages three to twenty-one, if the state is to continue receiving P.L. 94-142 funds.
1981-82 10/1/81 to 9/30/82	

Policy Number	Policy Statements and Administrative Procedures	Comments
100	LOCAL EDUCATION AGENCY APPLICATIONS Each education agency shall annually submit an application to the next higher level educational agency describing the agency's responsibility regarding special education in accordance with Federal and State policy requirements. The application shall contain written provisions, to include:	P.L. 94-142 requires that each State education agency must make an application of assurance that each child will receive an appropriate individualized education. In many States the local education agencies must submit the same type of assurance application in order to qualify for State funds and stay in compliance with specific State special education mandates.
101	Each education agency must develop procedures which provide satisfactory assurance that Federal monies will be used for excess costs directly attributable to programs which: • (a) Provide that all children residing within the jurisdiction of the local educational agency who are handicapped, regardless of the severity of their handicap, and are in need of special education and related services will be identified; located, and evaluated; and (b) provide for the inclusion of a practical method of determining which children are currently receiving needed special education and related services and which children are not. (See Sec. POP 101.) • Establish a goal of providing full educational opportunities to all exceptional children including: 101.1 Procedures for the implementation and use of the comprehensive system of personnel development established by the State educational agency. 101.2 The provision of and the establishment of priorities for providing a free appropriate public education to all exceptional children, first with respect to exceptional children who are not receiving an education, and second with respect to exceptional children, within each disability, with the most	The assurances and provisions contained in this section correspond to P.L. 94-142.

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	severe handicaps who are receiving an inadequate education. 101.3 The participation and consultation of the parents or guardians of such children. 101.4 To the maximum extent practicable, the provision of such services to enable such children to participate in regular educational programs. • Establish a detailed timetable for accomplishing these goals. (sec. 101.) • Provide a description of the kind and number of facilities, personnel, and services necessary to meet the goals described in Sections 101.1 and 101.2.	
102	Each education agency shall make provisions for keeping such records, and for affording such access to them as the State educational agency may find necessary to assure the correctness of information furnished.	
103	Each education agency shall make provisions for making the application and all pertinent documents related to such application available to parents, guardians, and other members of the general public, and include provisions for all required evaluations and reports to be public information.	
104	Written assurances shall state that the educational agency will establish or revise, whichever is appropriate, an individualized education program for each exceptional child at the beginning of each school year and will then review and, if appropriate, revise its provisions periodically, but not less than annually.	
105	Each education agency shall provide satisfactory assurance that policies and programs established and administered by the local educational agency or intermediate educational unit shall be consistent with the provisions of Federal and/or State policy.	

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106	The written education agency application shall be made available to the public 30 days prior to presentation to the school board for formal approval.	Because the local application is a statement of how the education agency plans to meet its policy mandates, it is recommended that the application be readily available for citizen Preview . One means of making the application accessible is by placing copies in the public library.
107	Each written education agency application shall be submitted to the school board for formal approval prior to submission of the application to the State education agency.	

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200	ADMINISTRATIVE STRUCTURE: TYPES The administrative structure of the education agency shall be consistent with the goal of providing appropriate programs in the least restrictive environment for all exceptional students. In order to meet their educational needs, several organizational patterns may be used individually or simultaneously by education agencies. Organizational patterns include: • Single District - boundaries determined so as to allow one education unit full authority to provide educational services for children within those boundaries. • County Unit - a governance structure that creates a board over each of the member districts that fall within the geographic boundaries of the county. • Collaborative Unit - a formal legal basis for two or more districts to provide administrative and programmatic services to those member districts that are bound together by the legal provisions. • Cooperative District - an informal arrangement that develops policies guiding the administrative and programmatic services to those member districts that choose to voluntarily join. • Regionalization - an agreement between districts to form a governance structure to provide administrative and programmatic services to school districts that contract with this type of unit. • Other Units - i.e., School Unions - an arrangement in which multiple towns keep local education autonomy but join together to purchase administrative personnel such as a Superintendent or Building Principal.	The manner in which population centers divide themselves into school districts has direct implications for the types of administrative structures and organization that are necessary to operate educational programs for the handicapped. The dynamic nature of school district structure and the relatively low incidence of exceptionality characterize the diversity of development in organization patterns for education of the handicapped. With the established use of Intermediate Units and the declining school enrollment, fewer towns are choosing this alternative administration type.

Policy Number	Policy Statements and Administrative Procedures	Comments
300	ADMINISTRATIVE STRUCTURE: CHARACTERISTICS Education agencies shall assure that the special education administrative structure minimally meets these general characteristics. Written policy shall interpret the appropriateness for each education agency in defining the following characteristics of desirable organizational structure: • Broad and comprehensive responsibility for both elementary and secondary education and their specialized aspects. • Broad and general professional administration. • An area of operation large enough to permit the efficient development of most services local school systems cannot provide for themselves. • Adequate and dependable financial support with some degree of flexibility in its use. • The ability to adapt programs and direction as circumstances and needs change. • A sufficient stability to assure the continuation of service in spite of changes and realignments among participating local school systems. • A responsiveness to the needs and desires of local school systems as seen from the local level.	

Policy Number	Policy Statements and Administrative Procedures	Comments
400	ADMINISTRATIVE ORGANIZATION Every school system should contain a visible central administrative unit for special education programs and services which is at the same administrative hierarchical level as other major instructional program units. Usually this will mean an assistant or associate superintendent level position or similar office at "cabinet" level directly below the superintendent level. (See PR, pp. 1 for description of duties of Administrator of Special Education.)	It is crucial that the administrative organizational pattern utilized by the education agency allows the special education department equal access to programmatic and fiscal decision making.
401	RELATIONSHIP TO REGULAR EDUCATION Each education agency shall use a system of organization and administration developed for special education that is linked with all regular education programs. • To increase the capability of the total system to make more flexible responses to changes in the behavior of individual pupils and to changing conditions in schools and society, and • To permit all elements of the system to influence the policies and programs of the others. (See Sec. AG 300, p. 5.)	

Policy Number	Policy Statements and Administrative Procedures	Comments
500	ADMINISTRATIVE OPTIONS TO PROVIDE SERVICES Each education agency has a number of options for providing the education services and/or programs necessary to insure an appropriate education for each exceptional child. These options shall include but are not limited to the following:	
501	DIRECT SERVICE Education agency provides direct service. This option allows each education agency to provide all of the required education services and/or programs necessary for each exceptional child to receive an appropriate education.	
502	AGREEMENT WITH OTHER EDUCATION AGENCIES Each education agency may enter into an agreement with other education agencies to satisfy the special education services and/or programs needed, including: • County Unit • Collaborative Unit • Cooperative Unit • Regionalization • Other Units (See Sec. AG 200 for definitions.)	
503	AGREEMENT WITH PRIVATE AGENCIES Each education agency may enter into an agreement or contract with a public or approved private school, agency or institution to satisfy the requirements to purchase services and/or programs needed to insure an appropriate education for each exceptional child.	
504	INTERMEDIATE STRUCTURE Education agencies entering into agreements with other education agencies for the purposes of providing special education services and/or programs share some common characteristics (see AG 200 for description of intermediate structures). The characteristics most commonly shared include:	

Policy Number	Policy Statements and Administrative Procedures	Comments
	• Unit determines separate budget. • Unit has same legal powers and responsibilities as any school district. • Unit may "bill" member LEAs for services provided. • Unit may qualify for State and Federal funds. • Unit contributes funds in addition to State funds. In addition, some intermediate units may: • Own property • Have taxing power.	
504.1	Each intermediate unit shall have a governance board. Composition of the board most frequently includes representatives from: • Superintendents or designee from each member LEA. • Members of the LEA school boards. • Special Education Administrators from member LEAs.	
504.2	Each intermediate unit shall appoint an administrator of the special education programs who shall have the same status as a superintendent .	
504.3	Intermediate units frequently provide additional educational services for member education agencies. These include but are not restricted to the following: • Preschool • Developmental day care facilities • Alternative high school programs • "After hours" programs • Summer programs • "Transition" programs for children leaving institutions.	

Policy Number	Policy Statements and Administrative Procedures	Comments
600	CONTRACTED SERVICES Education agencies determine the need to purchase services based on the following considerations: • Low incidence population • Cost effectiveness of purchased service • Need for additional or different personnel	
601	SERVICES Education agencies may contract for the following services required in order to provide an appropriate education for each exceptional student: • Medical • Psychological • Social • Educational • In-service training • Transportation • Speech and hearing • Therapy	
602	SOURCES Education agencies use the following sources to fulfill contractual agreements to provide appropriate education services: • Other public school districts • Approved private facilities • Schools (residential/day) • Hospitals • Private psychiatric clinics • University based clinics • Department of Special Education • Department of Mental Health/Mental Retardation • Department of Public Health • Department of Welfare • Department of Youth Services (judicial) • Department of Vocational Rehabilitation	
603	WRITTEN AGREEMENTS When entering into a contractual agreement, education agencies shall have written agreements. The components of the written agreements shall minimally include but are not limited to the following statements:	

Policy Number	Policy Statements and Administrative Procedures	Comments
603	(con't) • Education agency purchasing service • Specification of services to be contracted • Duration of contract • Name/organization (agency)providing service(s) • Evaluation component of services provided • Designation of financial responsibilities • Signatures of contractual parties	

Policy Number	Policy Statements and Administrative Procedures	Comments
700	RESIDENCE REQUIREMENTS Responsibility for providing appropriate education programs and services for each exceptional child rests with one educational agency. The factors to consider in determining the appropriate education agency include the following: • Children who live with their parents are the legal responsibility of the educational agency of that city, town or district where the parents reside. • Children not living with their parents but who are living in a community because of educational needs are the legal responsibility of the educational agency of that city, town or district where the child resides. • Children who live in a private residential school or in a department of mental health, public health or youth services state school, state hospital or state hospital school are the legal responsibility of the educational agency of that city, town or district where the parents reside. Where a child has no father or mother residing within the state, then the responsibility of providing appropriate educational programs and services is the responsibility of the appropriate state agency.	A North Dakota Supreme Court case, In the Matter of G.H., A Child (1974) ruled on the residency of a child which stated that: 1) The residence of a child determines the identity of the school district responsible for providing educational opportunity to the child. 2) Assignment of a child requiring special education to a school outside the district of the child's residence does not change the residence of the child. 3) The residence of a child who is made a ward of the State is separate from that of her parents.

Policy Number	Policy Statements and Administrative Procedures	Comments
701	ATTENDANCE REQUIREMENTS: STUDENTS EIGHTEEN THROUGH TWENTY-ONE Students eighteen through twenty-one shall be entitled to all of the rights given to school age children by State and Federal regulations and all of the rights given to adults by applicable laws. Each education agency shall make every effort to advise exceptional students of ages sixteen through twenty-one who have left school of all program options available to them in the education agency.	The policy alternatives of this manual shall not be construed to require the attendance at school of children from the age of majority through twenty-one who have left school. Attendance at school by such persons shall be completely voluntary. P.L. 94-142 requires that a free appropriate public education will be available for all handicapped children between the ages of three and eighteen within the State not later than September 1, 1978, and for all handicapped children between three and twenty-one within the State not later than September 1, 1980, except that with respect to handicapped children aged three to five and aged eighteen to twenty-one, inclusive, the requirements of this clause shall not be applied in any State if the application of such requirements would be inconsistent with State law or practice, or the order of any court, respecting public education within such age groups in the State.

Policy Number	Policy Statements and Administrative Procedures	Comments
800	APPOINTMENT OF SPECIAL EDUCATION ADMINISTRATOR Each education agency shall appoint a person to be its Administrator of Special Education. Such appointment shall be made in accordance with the following: (See Sec. PR, p. 1.) • Each education agency with a total school age population of four thousand or more enrolled students shall appoint a qualified (certified) Administrator of Special Education. Such Administrator shall devote full time to the duties involved in supervising the provision of all special education programs and related services necessary to provide an appropriate education to each exceptional child. • Each education agency with less than four thousand enrolled school age children shall appoint a qualified Administrator of Special Education. Such Administrator shall have the duties involved in supervising the provision of all special education programs and related services necessary to provide an appropriate education to each exceptional child. Such Administrator may have other education duties if the special education duties are not such as to require the full time responsibility of the Administrator.	In order to comply with Federal and State mandates to insure that each child receives an individualized education program, responsibility of the special education department in each education agency requires someone be designated the responsibility as the Administrator of Special Education for the education agency.

Policy Number	Policy Statements and Administrative Procedures	Comments
900	INTERAGENCY COOPERATION Education agencies, either through a written, formal or unwritten, informal process, should have policy governing cooperation with other public and private human service agencies in providing services for exceptional children.	Education for exceptional children and youth requires the well planned and purposeful coordination of many disciplines. Special education is a cross disciplinary, problem oriented field of services which is directed toward mobilizing and improving a variety of resources to meet the needs of exceptional children and youth.
901	INTERAGENCY COOPERATION; PROVISIONS Each education service agency must work closely with the appropriate human service agency to effectively coordinate delivery of special education and related services for each exceptional child.	When education agencies and other agencies enter into joint agreements to combine their resources and efforts in one facility or program, several kinds and levels of administrative decisions may need to be made, and the legal responsibility of each agency must be defined and fulfilled.
902	THE PROVISIONS OF P.L. 94-142 ENCOURAGE EDUCATION AGENCIES: • To centralize accountability, both for the State itself and from the standpoint of the Federal government as a participant in the educational mission. • To encourage the best utilization of education resources. • To guarantee complete and thoughtful implementation of the comprehensive State plan for the education of all handicapped children within the State as already required in P.L. 93-380, the Education Amendments of 1974, as well as the implementation of the further planning provisions of P.L. 94-142. • To ensure day-by-day coordination efforts among involved agencies.	P.L. 94-142 requires that the State educational agency be responsible for ensuring that all requirements of the Act are carried out, and that all education programs within the State for all handicapped children, including all such programs administered by any other State or local agency must meet State educational agency standards and be under the general supervision of persons responsible for the education of handicapped children. This provision establishes a single line of authority within one State agency for the education of all handicapped children within each State.

Policy Number	Policy Statements and Administrative Procedures	Comments
903	TYPES OF SERVICES; INTERAGENCY The types of services provided by human service agencies or in conjunction with education agencies include but are not limited to the following agencies and the types of services provided:	Exceptional children and youth and their families require services of many agencies which deal with their various and specific education needs. A cooperative interagency and interdisciplinary approach whereby special education has a primary function for liaison with other agencies and organizations encourages a consistent effort on the part of all concerned with the child's education but provides for joint establishment of the priorities and respective responsibilities for meeting the child's unique needs.
903.1	DEPARTMENT OF HEALTH • Diagnostic services required for evaluation of exceptional children • Diagnostic medical services • Physical therapy • Occupational therapy • Speech and hearing services • School health services • Vision and hearing screening • Dental hygiene services	Education agencies may, as a result of specific needs of an exceptional child, choose to work with any of the agencies so that they can provide the appropriate supportive and related services. P.L. 94-142 requires the education agency be responsible for providing those related services which support the special education needs of handicapped children. Education agencies may choose to provide these related services themselves. The types of services described herein are not exhaustive but rather are representative.
903.2	DEPARTMENT OF MENTAL HEALTH AND/ OR MENTAL RETARDATION • Psychological examination of students • Psychological services for students and parents of exceptional children • Developmental training of exceptional children • Individual education services for mentally retarded children in State schools • Individual education services for seriously emotionally disturbed children in State schools	

Policy Number	Policy Statements and Administrative Procedures	Comments
903.3	DEPARTMENT OF VOCATIONAL REHABILITATION • Vocational evaluation and training • Work-study programs • Vocational counseling • Job placement and follow-up services • Vocational rehabilitation services • Sheltered and other workshops	
903.4	INSTITUTIONS OF HIGHER EDUCATION • Planning of in-service and preservice training • Delivery of in-service and preservice training • The determination of how Federal funds for training exceptional children will be jointly allocated • Consultation services • Development of professional certification requirement	
904	DIRECT SERVICES: INTERAGENCY Each education agency shall consider and specify the following items prior to finalizing any written interagency agreement: • Identification of each agency's personnel involved. • Funding: determination of each agency's responsibility. • Education program eligibility for students zero - three and sixteen - twenty-one • Facilities • General program management • Supervision (direct/indirect) of programs • Utilization of equipment, supplies, materials • Conditions of employment • Establishment of school calendar • Summer education programs: determination of agency responsibilities • Substitute teachers • Program referral procedures • Reports (individual and program) • Attendance • Student discipline • Transportation • Administrative costs and services • Tenure for professionals.	When more than one agency works jointly to provide direct services for exceptional children, the expected outcome must be delineated in a written document.

Policy Number	Policy Statements and Administrative Procedures	Comments
1000	ADVISORY PANELS P.L. 94-142 mandates that each State shall have an advisory panel to be appointed by the Governor or any other official authorized under State law to make such appointments.	The purpose and function of any advisory panel is to allow consumer and advocate input into the planning, monitoring, and implementation of the special education programs of the education agency. This advisory panel must be composed of individuals involved in or concerned with the education of handicapped children, including handicapped individuals, teachers, parents or guardians of handicapped children, State and local education officials, and personnel from administrative programs for handicapped children.
1001	THE STATE LEVEL PANEL SHALL HAVE THE FOLLOWING DUTIES: • Advise the State education agency on unmet needs relative to the education of all handicapped children within the State; • Comment publicly on rules and regulations issued by the State and procedures proposed by the State for distribution of funds; • Assist the State in developing and reporting such data and evaluations as may assist the U.S. Commissioner.	These requirements correspond to P.L. 94-142. Provisions should establish the procedures that the State panel will use to make their activities open and accessible for citizen comment.

Policy Number	Policy Statements and Administrative Procedures	Comments
1002	ESTABLISHMENT OF ADVISORY PANELS AT THE LOCAL LEVEL Formation of local advisory panels shall reflect consideration of at least the following variables: Membership - There shall be a minimum of five persons. Membership may include but not be limited to the following types of persons: • At least one parent of an exceptional child. • A public school teacher teaching school age children in a regular education program. • A public school teacher teaching school age children in a special education program. • An approved vocational technical administrator or teacher from a local or regional vocational school. • The Administrator of Special Education or the appointed designee. Additional members may include: • A person with demonstrated commitment to school age children requiring special education and related services. • A consumer representative of local advocacy orgainizations. • A professional from an institution of higher education who prepares persons for professional employment in education.	The establishment of advisory panels at the local level are recommended. Each advisory panel should reflect the needs of the local community and each advisory panel should cooperatively work with the local education agency to insure appropriate education for each exceptional child in the community. Local administrative representatives of the Department of Mental Health, Public Health, Public Welfare, and Youth Services may each wish to designate a representative to serve ex officio on each of the advisory panels.

Policy Number	Policy Statements and Administrative Procedures	Comments
1003	APPOINTMENT OF INITIAL MEMBERS OF THE ADVISORY PANEL Names shall be solicited by the administrator of special education. It is the administrator's responsibility to make recommendations to the Superintendent for appointment by the school board.	Names of qualified persons may come from the school board and superintendent, district special education staff, all relevant organizations of parents of school age children requiring special education services, private organizations established to assist low-income people, private organizations of members of a particular ethnic or language group, professional organizations, public agencies and other sources.
1004	APPOINTMENT OF MEMBERS: REIMBURSEMENT The members of each advisory panel (with the exception of the administrator of special education) shall be appointed for staggered terms of office, with terms of 1, 2, and 3 years. Subject to school board appropriation, such members shall be reimbursed for expenses necessarily incurred in the performance of their duties.	The appointment of the members of the advisory panel shall be made in July to take office September 1. Subsequent appointments shall be made upon the expiration of the terms of previously appointed members.
1005	ADVISORY PANEL: DUTIES Special education panels shall be organized to perform the following supportive duties for the education agency: • Assist in developing plans for identifying children who need special services. • Cooperating and implementing child survey procedures, with both the school and community facilities. • Assist in the formulation and development of long-range plans that will provide services needed in the school and the community. • Assist in the development of priorities and strategies for meeting the identified special education and related service needs. • Submit reports on the committee's findings and recommendations for action. • Assist in the dissemination and interpretation to the community of the committee's proposed recommendations, with plans for implementation.	These duties are not only suggested. Duties of the special education advisory panel must reflect the needs of the community in working to fulfill the obligation of providing appropriate services for each exceptional child.

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	Additional duties of the advisory panel may include but are not limited to the following: • A specific assessment of the qualitative and quantitative adequacy of all aspects of the provision of special education within the education agency. • A specific statement of recommended changes in any aspect of the provision of special education in the region, with a detailed description of the process by which such changes should be accomplished. • A detailed summary of the complaints and suggestions received during the year. Where complaints and suggestions have been repeated, or where a clearly discernible pattern has emerged, such repetition or pattern shall be emphasized. • Hold periodic meetings during its regular meeting time or at other times to hear complaints and suggestions relative to the provision of special education in the community.	
1006	ADVISORY PANEL; RELATION TO BOARD OF EDUCATION Upon reasonable notice and subject to the availability of staff and resources, the following type of assistance by the Board of Education to the Special Education Advisory Panel is appropriate: • Mailings, including the provision of envelopes, stationery, and postage. • Typing of annual reports, and any other reports, memoranda, letters and other material which must be typed. • Duplicating of materials, including the provision of materials required in such duplication.	Assistance to the advisory panel by the Board of Education should be without charge so that the special education advisory panel can carry out its duties.

SPECIAL EDUCATION PERSONNEL (Primary - P and Support - S) Responsibility Matrix	Personnel (PR)										
	Special Education Administrator	Psychologist	Social Worker	Building Principal	Supervisor	Registered Nurse	Speech Pathologist	Special Education Teacher *	Support Personnel**	Aide (s)	Superintendent
Design Special Education Services Delivery Plan	P			S	S						P
Designs transportation plan	P			S	S				S		P
Evaluates special education programs	P			S	P						S
Formulates long-term policies and objectives for special education programs	P			S							P
Recruits and selects professional personnel	P			S	S						S
Recruits and selects para-professional personnel	P			S	S			S			S
Provides in-service training for professional staff	P	P	P	P	P			P	P		
Coordinates in-service training for professional staff	P			P	S						P
Attends in-service professional development activities	P	P	P	P	P	P	P	P	P	P	P
Evaluates professional personnel	P			P							P
Provides counseling services to students		P	P						P		
Administers and interprets psychological tests		P							S		
Serves as a member of evaluation and placement committees	P	P	S	S		S	S	P	P		
Maintains a continuous liaison with human service agencies	P										S
Screens children to identify those who may need special services		P	P	P		P	P	P	P	S	

SPECIAL EDUCATION PERSONNEL (Primary - P and Support - S) Responsibility Matrix (cont'd)	Special Education Administrator	Psychologist	Social Worker	Building Principal	Supervisor	Registered Nurse	Speech Pathologist	Special Education Teacher*	Support Personnel**	Aide (s)	Superintendent
Responsible for maintaining and controlling student records	P			P	S						S
Administers drugs						P					
Coordinates due process procedures	P			P							S
Makes final decision on educational placement	P			S							P
Makes home visits			P		P			P	S		
Decides legitimacy of referrals for special education services	P			S							
Evaluates children who are referred for special services		P	P	S		S	P	P	P		
Writes individualized education program		P	P	S	S	S	P	P	P		
Prepares special education budget	P			S							P
Controls special education expenditures	P										P
Receives budget requests from the special education staff	P			P	P						
Approves purchase orders	P			P							

*Special Education Teacher - Includes all categorical and non-categorical disability teachers who provide any special education services full or part time. May include pre-vocational and vocational special education teachers.

**Support Personnel - Includes ancillary service personnel such as Physical Therapist, Occupational Therapist, Recreation Therapist, Physician, and Psychiatrist.

Budget Decisions - Special Education requests for approval of consumable items should be directed to the Building Principal. Requests for approval of non-consumable items should be directed to the Administrator of Special Education.

Policy Number	Policy Statements and Administrative Procedures	Comments
100	ADMINISTRATOR OF SPECIAL EDUCATION Each education agency shall consider at least the following variables when determining the administrative authority of the Administrator of Special Education: • Size of current staff • Number of projected needed staff • Responsibilities of staff • Population of community • Per pupil expenditure of both regular and exceptional students • Long-range plans of LEA for service delivery • Organizational pattern of LEA • Number of children identified as having special education and related service needs.	Education agencies with a total school age population of four thousand or more enrolled students require a qualified (certified) administrator of special education who devotes full time to supervision of all special education programs and services necessary to provide an appropriate education to each exceptional child. Agencies with less than four thousand enrolled students should appoint a qualified administrator of special education who may have other educational duties in addition to supervising all services and programs necessary to provide an appropriate education to each exceptional child.

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200	SUPERVISION OF SPECIAL EDUCATION STAFF Responsibility for supervision of the staff shall be with the Administrator of Special Education and with the appropriate building principal. In some education agencies, additional persons assume a supervisory role. These may include but are not limited to: • Superintendent • Curriculum Supervisor • Head Teacher • Department Head.	Adequate supervision of all special education staff shall occur in each education agency.
201	SUPERVISION: WRITTEN GUIDELINES Each education agency shall have written guidelines for supervision of all special education staff. Guidelines shall include: • Specification of required competencies • Designation of who conducts observations • Specification of number of observations • Procedures for establishing mutually agreed upon goals • Review procedures • Appeal procedures.	Written guidelines are critical because often special education personnel are responsible for reporting to more than one supervisor. Clear guidelines avoid confusions.
202	SUPERVISION: FORMAL OBSERVATIONS Each education agency shall at least annually make a formal observation of all professional (both tenured and nontenured) staff. Frequency of formal observation varies and may occur: • Twice per year • Three to five times per year • More frequently than five times per year.	Formal observations for tenured personnel are not always required, but good practice indicates that this provides all professional staff with positive information regarding their performance with exceptional children.
203	SUPERVISION: INFORMAL OBSERVATIONS Whenever informal observations of special education and related service personnel are made, a written report of the observations shall be recorded by the supervisor. All written observations must conform to the confidentiality procedures (see Sec. CSR 300, pp. 4 & 5 regarding anecdotal records).	It is good practice to make note of observations of performance. This provides the supervisor with a consistent record of the professional's performance.

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300	PROFESSIONAL DEVELOPMENT Each exceptional child is entitled to appropriate instruction and services by professionally trained and competent personnel.	P.L. 94-142 requires that each education agency establish written procedures for (a) the development and implementation of a comprehensive system of personnel development which shall include the inservice training of general and special educational, instructional, and support personnel; detailed procedures to assure that all personnel necessary to carry out the purposes of this Act are appropriately and adequately prepared and trained; and effective procedures for acquiring and disseminating to teachers and administrators of programs for handicapped children significant information derived from educational research, demonstration, and similar projects, and (b) adopting, where appropriate, promising educational practices and materials development through such projects. In addition, there is need for new and appropriate training patterns which allow for broadening the role of special educators in a variety of settings. This includes professionals working in teams with other educators and exceptional children and training needed support and ancillary personnel. The quality of education services for exceptional children resides in the abilities, qualifications, and competencies of the personnel who provide the services.

Policy Number	Policy Statements and Administrative Procedures	Comments
301	PROFESSIONAL DEVELOPMENT: AGENCY STATEMENT Each education agency shall develop written policy statements which support the professional development of all special education personnel. Components shall include statements that: • All employees shall be provided opportunities for the development of increased competence beyond that which they may attain through the performance of their assigned duties. • Planning for personnel development shall cooperatively involve employees and their organizations, students, and parents within the education agency's jurisdiction. • Education agency sponsored staff development activities should be conducted within the normal work week and paid for from education agency funds. • Periodic evaluation reports concerning the impact of personnel development activities upon staff growth and student learning should be expected as a result of personnel development activities.	Top priority for the education agency should include schedule planning and budgeting for all personnel development programs.
302	PROFESSIONAL DEVELOPMENT: CONFERENCE ATTENDANCE Each education agency shall encourage professional staff to attend national, state, and local professional conferences when attendance is thought to provide for an expansion of skills and knowledge which will result in further professional development.	Consideration should be given to paying all or part of the expenses incurred by professional personnel attending approved conferences out of district. Consideration should be given to paying all or part of the expenses incurred by professional personnel attending approved conferences out of state.
303	PROFESSIONAL DEVELOPMENT: RELEASE TIME Each education agency shall provide at least three days to be available to staff for use in their professional development.	When professional development days are provided for staff by the education agency, staff shall be encouraged to take advantage of the opportunity.

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304	PROFESSIONAL DEVELOPMENT: MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS The education agency shall encourage special education and related service personnel to participate in professional organizations as a viable vehicle for professional development.	Organizations engaged in professional development and providing leadership include: Council for Exceptional Children (CEC) American Association on Mental Deficiency (AAMD) American Association of School Administrators (AASA) American Psychological Association (APA) American Speech and Hearing Association (ASHA) Council of State Administrators of Vocational Rehabilitation National Association of Coordinators of State Programs for the Mentally Retarded National Association of School Psychologists (NASP) National Association of Social Workers National Association of State Directors of Special Education National Association of State Mental Health Program Directors

Policy Number	Policy Statements and Administrative Procedures	Comments
400	INSERVICE EDUCATION Each education agency must assume the responsibility for providing inservice training for all staff members. Options for providing inservice training include:	Adequate personnel preparation and inservice education by the education agency will support access of professionals to current legal, fiscal, and educational issues relative to the education of exceptional children.
400.1	The education agency provides direct inservice training. All responsibility for planning, coordination and delivery of training rests with the education agency.	
400.2	Individual education agencies may enter into an agreement with other education agencies to provide inservice training. Cooperative efforts may be between single districts and/or between single districts and Intermediate Units.	
400.3	Each education agency may enter into an agreement or contract with public or private agencies or institutions or consultants to provide inservice staff development.	
401	INSERVICE EDUCATION: PLANNING Each education agency shall yearly plan inservice activities for the professional staff. Planning shall consider at least the following dimensions of training.	
401.1	IDENTIFICATION OF THE TRAINING ISSUES AND OBJECTIVES. There are varying levels of training which form the focus of any planned inservice training. These levels include: • "Awareness"-- or an overview of any subject or issue. • "Content"-- or indepth exploration of one content area as the basis of the training.	
401.2	IDENTIFICATION OF TARGET POPULATIONS FOR INSERVICE TRAINING. Such groups include but are not limited to: 401.2.1 Personnel with local agency including: • Policy makers (Board) • Students • Parents of students • Teachers—regular and special education • Administrators--regular and special education	Education agencies must provide or arrange to provide adequate staff development to additional kinds of personnel so that they are aware and have the necessary skills to provide each exceptional child with an appropriate education.

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	• Support personnel such as: Psychology Counseling Social service Speech, language, and hearing Paraprofessionals Other school employees.	
	401.2.2 Education personnel outside local agency, including: • Institution staff(s) • Administrators • Teachers • Unit staff • Support personnel • Intake workers • Residential coordinators (program/unit personnel) • Private school staff(s) often same as in LEA (see 401.2.1)	As education agencies work more with personnel outside their own jurisdiction when those personnel are providing the appropriate education for the exceptional child, it often becomes necessary to provide some training regarding district procedures.
	401.2.3 Auxiliary personnel • Medical • Advocacy personnel • Human service agency personnel • Legal and judicial personnel	
	401.2.4 Higher education personnel	
	401.2.5 State department personnel	
401.3	IDENTIFICATION OF TRAINING PROVIDERS Once the training issues and objectives have been defined and the target group(s) determined, the appropriate trainers must be selected.	
	401.3.1 Traditional sources of training providers include: • Institutions of higher education • Community resource personnel (consultants) • State education agencies	

Policy Number	Policy Statements and Administrative Procedures	Comments
	401.3.2 Alternate sources of training providers include: • Local education agencies • Professional organizations • Teachers unions • Advocacy groups	
401.4	IDENTIFICATION OF TRAINING DELIVERY Training contains consideration of at least the following components: 401.4.1 Process considerations • Needs assessment - formal or informal • Resource analysis - how much (time, fiscal, human and material resources) to invest? • Planning (see Sec. AG 101.1, p. 1.) • Target populations to receive training • Training providers 401.4.2 Implementation: reflects on who does the planning, how the training session or sessions are planned and on the training providers. 401.4.3 Evaluation: can be formal or informal but should reflect on training program to indicate completion of objectives and movement toward different issues.	In planning to deliver appropriate staff development, each education agency must review the process, planning, target population, and training provider considerations included in this section. Written staff development plans of the education agency should spell out each of these components.

Policy Number	Policy Statements and Administrative Procedures	Comments
401.5	IDENTIFICATION OF TRAINING FORMAT ALTERNATIVES 401.5.1 Course work: traditional and innovative • On and off campus based inservice • Different incentive system other than credit • Alternative learning experiences (individualized inservice programs) 401.5.2 Training materials • Products • Learning packages 401.5.3 Institutes 401.5.4 Conferences 401.5.5 Workshops 401.5.6 Meetings	Education agencies increasingly have more options and alternatives to provide staff development.

Policy Number	Policy Statements and Administrative Procedures	Comments
402	PROFESSIONAL DEVELOPMENT: COOPERATIVE PLANNING Each education agency shall develop a cooperative planning document that reflects the personnel preparation needs of the staff of the education agency. Components which should be incorporated are as follows: • The plan should include provisions to establish and maintain precise personnel needs assessment activities. • The plan should include provisions for designing training activities for special educators as well as preparation of regular educators to function appropriately with exceptional children placed in regular classrooms. • The plan should include provisions for the allocation of financial (Federal, State, private, etc.) and human (faculty members, consultants, etc.) resources to support the preparation of paraprofessionals, professional special educators, and regular education personnel who will instruct exceptional children in regular classrooms. • Cooperative planning should include the evaluation of training activities related to established objectives. • In addition, a flexible time line for the accomplishment of objectives should be formed.	Program planning and development functions for professional development have many components which must be coordinated. The U.S. Office of Education, as a requirement in the grant application for Title VI-D monies (P.L. 93-380) requires states to submit a cooperative planning document for personnel preparation activities to be conducted within the state. This requirement specifies planning cooperatively between local and intermediate education agencies, institutions of higher education, and the state department of education.

Policy Number	Policy Statements and Administrative Procedures	Comments
500	PROFESSIONAL RIGHTS AND RESPONSIBILITIES Each education agency shall establish written policy supporting and endorsing the individual rights and responsibilities of special education and related service professionals.	Special education personnel, just as any education personnel, share the same rights and responsibilities regarding constitutional and due process guarantees in matters of hiring and firing. All education agency personnel have the responsibility to act in an advocate role for all children so that they will obtain the most appropriate individualized education. This list of professional rights is listed not as an exhaustive one but for purposes of presenting specific situations that may warrant professional involvement.
501	PROFESSIONAL RIGHTS AS ADVOCATES Each education agency shall develop written policy statements which support the professional rights of special education personnel to act as advocates for exceptional children so that they might be guaranteed a free, appropriate, public education. Professional rights of special education personnel to act as advocates include the following responsibilities: • To report to the system the needs of the child. • To demand from the system the appropriate recources to meet the needs of the child. • To challenge required participation in any activities that are inappropriate to the needs of the child. • To inform children and parents, guardians, and surrogates of their rights and any proposed or practiced violations of those rights. • To cooperate fully in administrative or judicial proceedings regarding a child. • To refrain from participating in any activities that require skills the professional does not possess. • To seek appropriate administrative or judicial action against other professionals who violate the rights of children. • To participate in political activities that will improve conditions necessary to better meet the needs of children. • To seek through contract negotiation appropriate conditions to better meet the needs of children and to engage in activities to prevent such contracts from abridging the rights of children. • To express publicly views on matters affecting children. • To honor requirements of confidentiality regarding children and their families. • To work with other professionals to create an appropriate education program in the least restrictive environment for all exceptional children.	

Policy Number	Policy Statements and Administrative Procedures	Comments
600	PROFESSIONAL CONTRACTS AND NEGOTIATIONS Nothing contained in the professional contracts and negotiation process of the education agency shall prevent the exceptional child from receiving an individualized, free, and appropriate education designed to meet the needs of the child.	All special education and related service professionals should have the same working benefits granted regular educators within the education agency. These include, but are not limited to, curriculum planning periods, extracurricular activity assignments, etc.

P.L. 94-142 Timetable

FISCAL YEAR	FUNDING TIMETABLE	
1977-78 (10/1/77 to 9/30/78)	October 1: The first allocation will be made according to the primary funding formula, using 5% of the national average expenditure per pupil, (NAE), using the general funding formula.	October 1: 50% of the funds allocated to states must go directly to eligible local and intermediate education agencies (LEA, IEA). The remaining 50% of the funds may be used by the state, (SEA).
1978-79 10/1/78 to 9/30/79	October 1: The funding formula uses 10% NAE.	October 1: 75% of the funds allocated to states must go directly to eligible local and intermediate agencies (LEA, IEA). The remaining 25% of the funds may be used by the state. For each year thereafter this same percentage is used.
1979-80 10/1/79 to 9/30/80	October 1: The funding formula uses 20% NAE.	
1980-81 10/1/80 to 9/30/81	October I: The funding formula uses 30% NAE.	
1981-82 10/1/81 to 9/30/82	October 1: The funding formula uses 40% NAE. This is the final funding	

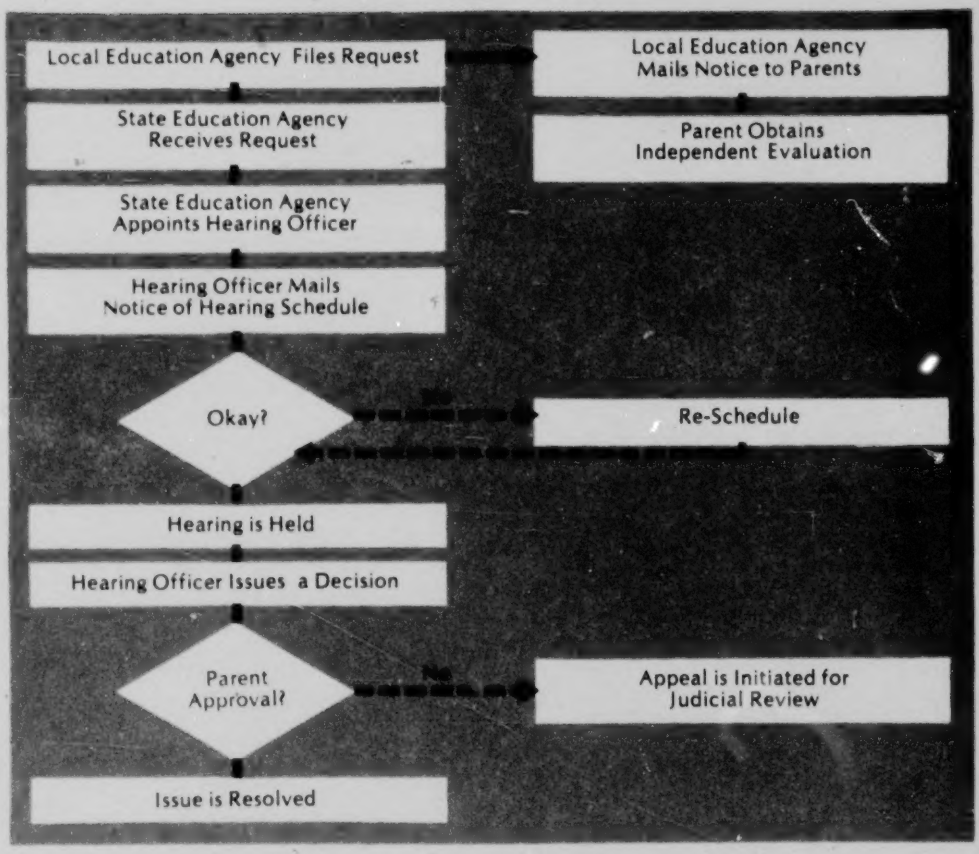
Policy Number	Policy Statements and Administrative Procedures	Comments
100	FISCAL MANAGEMENT All financial support for special education should be a separate and identified part of each education agency's budget.	The mandate to provide all children with equal educational opportunities requires that all educators, whether regular or special, be equally concerned with the funding of both regular and special education programs. Education agencies shall fulfill these mandates by assuring that rivalries for monies do not exist and that the individual education needs of children must supercede the fiscal priorities. The purpose for separating the special education budget is to enable better cost analysis of all dollars spent on educating exceptional children.
101 101.1	RESOURCE ALLOCATION Each education agency shall establish an administrative structure that allows the Administrator of Special Education to have an active role in determining how fiscal resources for special education are to be planned, budgeted, and allocated. Fiscal resources shall be allocated to special education on the basis of individual child education needs rather than on the basis of traditional incidence estimates.	Education agencies will be required to track all expenditures relating to actual costs of educating exceptional children. It is therefore critical that the Administrator of Special Education have access to decisions about fiscal management. This recommended procedure will require local and intermediate education agencies to identify and record the total cost of education per exceptional child in order to determine excess costs.
102	FISCAL RECORDING Each education agency shall establish fiscally accountable systems which allow the agency to track the total cost of all special education programs and services and to account for all federal, state, and local monies expended for the education of exceptional children. All monies used for the appropriate education of each exceptional child shall be recorded by the education agency so that the total cost(s) of a program are identified.	Special education accounting systems are more complex than regular education systems. Some

Policy Number	Policy Statements and Administrative Procedures	Comments
		differences are due to a wider variety of diverse income sources that contribute as partial support to special education programs provided by the educational agency. Agency income sources include: • Vocational Rehabilitation • Mental Health/Mental Retardation • Developmental Disabilities • Public Health Education agencies are increasingly opting to purchase service(s) from other public and private agencies.
103	FISCAL ACCOUNTABILITY Each education agency shall establish a fiscal accountability system that allows for and indicates cost effective decision making for educational programming. This system shall minimally meet the following criteria: • Each established accounting system must be mathematically rational. • Each established accounting system shall be designed so as to keep the requirements for record keeping restricted to a minimum to effectively track the educational costs of exceptional children. • Each established accounting system shall determine who controls what resources within the education agency. • Each established accounting system shall determine the personnel responsible for decision-making regarding expenditures of the special education budget.	Each local and intermediate education agency should make the budget available to the public prior to presentation for approval by the Board of Education. Local and intermediate education agencies will need to have a fiscal accounting system that tracks: • The number of exceptional children receiving services • The actual expenditures for identification and placement • The cost of special education programs

Policy Number	Policy Statements and Administrative Procedures	Comments
104	ACCOUNTING PROCEDURE Cost effective accounting systems shall be designed to allow fiscal decisions to be made based on written individual education programs of exceptional children with regard to the following: • Long/short term financial investments • The least restrictive placement for the individual • Determination of the need to purchase service(s) • Utilization of other public or private agency funds.	As education agencies become more successful with developing individualized education programs for each exceptional child, better fiscal data can be obtained from the IEP document.

Cumulative Time	Maximum Time For Each Step
5 days	5 days
15 days	10 days
25 days	10 days
65 days	40 days
75 days	10 days

Hearing Process



Policy Number	Policy Statements and Administrative Procedures	Comments
100	CONFIDENTIALITY AND STUDENT RECORDS Each education agency shall establish written procedures regarding the storage, retrieval, and use of all information collected pertinent to the education of every exceptional student to insure the confidentiality of the information and guarantee the student's right to privacy.	Final federal regulations of P.L. 93-380 regarding the Privacy Rights of Parents and Students, known as the Buckley Amendments were promulgated in June, 1976. The policies in this section are based on Title V, Sections 513 and 514 of P.L. 93-380.

Policy Number	Policy Statements and Administrative Procedures	Comments
200	CLASSIFICATION SYSTEM Each education agency shall classify information as determined by levels of confidentiality into at least the following four categories: • Basic Identifying Data (Level I) • Verified Data (Level II) • Tentative Data (Level III) • Personal Professional Files	The categories of confidentiality must be maintained solely to protect the individual rights of the child. This classification system is presented as an example. Many education agencies follow the same process of determining levels of confidentiality but, based on a state policy, choose to label their system differently.
201	BASIC IDENTIFYING DATA (LEVEL I) Data in this classification consists of basic information about the individual student. This information includes at least the following: • Name of student • Birthdate and place of birth • Sex • Student identification number • Home address and telephone number • Parent or guardian name and address • Parent or guardian business phone number In addition, Basic Identifying Data may also include the following minimum data: 201.1 Attendance Data • Date of entrance in school • Previous school • Record of days absent • Date of graduation, withdrawal, or transfer • Name of school transferring to 201.2 Health Data • Emergency phone number • Name of family physician and phone number • Record of immunizations • Physical health problems that teachers should be aware of for child's protection 201.3 Academic Achievement • Courses enrolled in each year • Grades earned • Credits earned • Cumulative grade - point average, if appropriate • Class ranking, if calculated	

Policy Number	Policy Statements and Administrative Procedures	Comments
202	VERIFIED DATA (LEVEL II) Data in this classification consists of information of a more detailed and sensitive nature about the student. This information includes at least the following categories:	As a guideline, Class II data is usually generated and/or collected by the schools as a result of needed information about a particular student's functioning or performance level.
202.1	STANDARDIZED ACHIEVEMENT TEST RESULTS • Name of test • Date test administered • Scores achieved • National and/or local percentile standing	
202.2	STANDARDIZED INTELLIGENCE AND APTITUDE TESTS • Name(s) of test(s) administered • Scores on standardized intelligence and aptitude tests • Dates the tests were administered, and the reasons why • Interest inventory test results	
202.3	MEDICAL HISTORY • Record of diseases or significant physical problems • Description of other handicapping conditions • Physician's prescriptions if medication is to be administered in school • Instructions for administering medication, including frequency and names of school personnel authorized to administer it • Noted changes in behavior when medication dosage is altered or discontinued	

202.4	ADMINISTRATIVE HISTORY
	• Service, scholastic, or athletic awards
	• School club activities
	• Letters of recommendation from school personnel
	• Parent/school correspondence
	• Family background information
	• Reports of disciplinary action, such as:
	  • Suspension
	  • Exclusion or expulsion
	  • Transfer
	  • Follow-up on disciplinary action	

202.5	INDIVIDUALIZED EDUCATION PROGRAM DOCUMENTS	

Policy Number	Policy Statements and Administrative Procedures	Comments
203	TENTATIVE DATA (LEVEL III) This type of data includes the comprehensive, highly personal information collected by the school augmented by reports from specialists and outside agencies or institutions. This information includes at least the following:	Tentative data is information clearly important to the child's individualized education program and the information is used for a particular period of time.
203.1	REPORTS OF PROFESSIONALS • Report of a psychologist coordinating all data on a child who is the subject of a psychological study, including projective techniques and personality inventory tests. • Social worker reports, including case studies focusing on the child's home situation. • Physician's report if a medical evaluation has been conducted. • Psychiatric report if child has seen a psychiatrist. • Reports of individual or team education evaluation of a child. • Recommendations advanced by any of these professionals for education and/or treatment services.	
203.2	REPORTS FROM EXTERNAL AGENCIES/ SPECIALISTS • Social service agencies • Courts • Hospitals • Private schools • Professional consultant specialists	
203.3	ANECDOTAL RECORDS - including but not limited to personal observations and impressions of teachers, counselors, and other professionals regarding information that may be used to make education decisions about an exceptional child.	(See CSR, Sec. 300, pp. 6-7, for guidelines regarding development, maintenance, and use of Anecdotal Records.)
204	PERSONAL PROFESSIONAL FILES Each education agency shall establish written policies regarding the development, maintenance, and use of any records used by an individual professional to provide better, more accurate delivery of services to an exceptional child. Written policies regarding personal professional files must consider at least the following:	Personal professional files are defined as including notes taken during interviews, clinical diagnoses, or various memory aids which support the professional's ability to work with a child.

Policy Number	Policy Statements and Administrative Procedures	Comments
204	(cont.) • Storage of records: to be kept with/near the professional maintaining the records. • Access: The confidential files of professionals automatically become the personal property of the person making the records. Decisions regarding access to the records are the sole determination of the maker of the records.	Some conflict occurs once a professional has "opened" the personal file and shared the information for purposes of evaluation and/or placement of an exceptional child. Once the data contained is revealed and becomes part of the information used by the education agency, that part of the personal file no longer can remain classified as personal. However, any information a professional records and keeps to himself is in fact personal property.
205	DEVELOPMENT OF RECORDS Each professional shall develop all personal files to correspond to the guidelines regarding anecdotal records (See CSR, Sec, 300, pp. 6-7).	

Policy Number	Policy Statements and Administrative Procedures	Comments
300	ANECDOTAL RECORDS Each education agency shall establish a written policy regarding the development of anecdotal records by school personnel for the sole purpose of objectively describing an individual student's academic, social, and physical behavior where such records will be considered as part of the total evaluation of the child in relation to providing the child with a more appropriate education.	
300.1	DEVELOPMENT OF ANECDOTAL RECORDS Each education agency shall establish written policies regarding the development of anecdotal records which shall include at least the following: • All anecdotal records shall be written, dated, and signed by the observer. • All anecdotal records shall describe only observable behavior. • All anecdotal records shall be written as soon as possible after the observed behavior, preferably within 24 hours. • All descriptions must specify the time and date of the observation, the circumstances surrounding the behavior including the setting, other participants if any, prior observable stimuli, if any, resulting behavior, and the relationship of the behavior to the individual child's present educational program. • All descriptions must specify whether the recorded behavior had been previously observed and recorded and if so, with what frequency.	
300.2	MAINTENANCE AND USE OF ANECDOTAL RECORDS Each education agency shall establish written policies regarding the maintenance and use of anecdotal records which shall include at least the following: • All recorded descriptions must be placed in the child's "education records" (cumulative, permanent) within 5 school days after completion .	

Policy Number	Policy Statements and Administrative Procedures	Comments
300.2	(cont.) • All anecdotal records in the child's education records will be evaluated in relation to the child's present individual education program each time that program is reviewed (not less than annually.) • If, after a determination has been made that an individual anecdotal record has no relation to the child's individual education program, it shall be removed from the record and destroyed. • Anecdotal records shall remain within the child's official records for as long as they remain directly related to the child's individualized education program.	

Policy Number	Policy Statements and Administrative Procedures	Comments
400	MAINTENANCE OF ALL RECORDS Each education agency shall establish written policy regarding the maintenance of all student records which shall include consideration of at least the following:	
400.1	RECORDS: STORAGE All Level I, II, and III records should be stored in one location; if the components of the records are divided, then the location(s) of the rest of the records shall be noted in the original folder.	Records of exceptional children shall be filed with the records of every other child in the same building whenever possible. Parents must be informed of each location of their child's records.
400.2	RECORDS: SYSTEMATIC PROCEDURES Standard agency-wide procedures shall be established so that student information is collected, recorded, and maintained in a systematic procedure for each child's records. A form placed in the front of the record shall contain at least the following: • A written entry indicating what information is being added to the record. • Date information is entered. • Signature (at least initials) noting the person/position responsible for the origin of new information.	
400.3	RECORDS: PERIODIC REVIEW Standard agency-wide procedures shall be established so that student record information is periodically (at least annually) reviewed and deleted or destroyed whenever a determination is made that the information is no longer necessary or relevant to the education of the exceptional child. Procedures shall contain at least the following: • Any changes made regarding the information contained within the student record must protect the confidentiality rights of student and parents. • Education agencies must establish specific time lines for the deletion and destruction of the student's records which conform with the following:	It is recommended that the Administrator of Special Education assume final responsibility along with the parents when determining what information should be deleted or destroyed.

Policy Number	Policy Statements and Administrative Procedures	Comments
400.3	(cont.) • Class I data (See CSR, Sec 201) may be maintained indefinitely by the agency. • Class II and Class III data (see CSR, Sec. 202 and Sec. 203) must be destroyed by the education agency within five years after the information is no longer needed to provide education services to the child.	All persons must remember when decisions are made to destroy any records that some information may be needed in the future life of the child for purposes of Social Security benefits. Therefore, it is recommended that education agencies retain pertinent Class I data.

Policy Number	Policy Statements and Administrative Procedures	Comments
500	ACCESS TO STUDENT RECORDS Each education agency shall establish written policies pertaining to the access to student records which guarantee parents at least the following: • The right to access records includes the response to parents' reasonable requests for explanations and interpretations of the student records. • The right to obtain copies of student records. • The right to obtain a list of the types and locations of student records.	
501	CONDITIONS OF ACCESS Parents and eligible students (over the age of majority) have the right to access their child's records (or their own) upon their request and at least under the following circumstances: • When the student transfers to another school. • When distance prevents the parents from having direct access. • When a parent designates in writing that a third party may have access to obtain the records. • When the records are subpoenaed by the Court.	
502	STUDENT ACCESS Each education agency shall establish written procedures regarding the age of the student in order to access the individual records.	The age of majority has been determined under Federal law to be eighteen. State policy may permit a lower age level. If a student is younger than eighteen but married or has graduated from high school and is attending a post-secondary institution adult rights are passed to the student. In these instances and whenever a student is eighteen years of age or older, the student becomes the only person with the right to access the records. The student must then give written permission for his/her parents and others to access the records. A policy

Policy Number	Policy Statements and Administrative Procedures	Comments
502	(cont.)	of flexibility that uses the age of majority as the maximum age but which would judge each individual request for access on the basis of that request is necessary.
503	OTHER INDIVIDUALS WITH ACCESS RIGHTS Each education agency shall establish written policy in accordance with State and Federal law describing persons other than parent and/or eligible student who may access records. The following must minimally be included in those written policies: • Other school officials, including teachers within the education institution or local education agency who have legitimate educational interests, determined by directly working with the child. • Officials of other schools or school systems in which the student intends to enroll upon condition that the student's parents be notified of the record transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record.	
504	OFFICIALS WITH LIMITED ACCESS Certain officials have access to records if the information they contain is necessary in conjunction with the audit and evaluation of a Federally-supported education program, or in connection with the enforcement of the Federal legal requirements relating to such programs.	Authorized officials include representatives of: • State Education Agencies • The administrative head of an education agency • The Secretary of Education • The Comptroller General of The United States
505	RECORD OF ACCESS Each education agency shall establish agency-wide procedures to monitor access of individuals to student records. Written record of access must contain at least the following: • A written record of requests for access • Record of persons/agencies granted access • Date of access to information	Each education agency should keep an accurate list of all persons accessing records.

Individuals, institutions and agencies and their legal rights to access to records	Class I Data a) Basic ID data b) Academic achiev. c) Attendance data d) Health data	Class II Data a) Stand. achiev. test data b) Stand. IQ and aptitude tests c) Medical hist. d) Administrative data e) Individualized education program documents	Class III Data a) Personality tests and psychological interpretations b) Reports of professionals c) Reports of other agencies d) Anecdotal records	Personal Professional Files
Parents, guardians, qualifying students	Yes	Yes	Yes	No
Specified public officials and government agencies	Yes	Yes	No	No
If school is ordered by court or subpoena	Yes	Yes	Yes	No
School to which student chooses to transfer	Yes, If parents are notified and given opportunity to challenge content	Yes, if parents are notified and given opportunity to challenge content	No	No
other individuals or agencies	Yes, if schools agree and parents are routinely notified	Yes, with parental consent	No	No
Researchers	Yes, with parental consent	Yes, if schools agree and parents give consent for each specific request	No	No

Policy Number	Policy Statements and Administrative Procedures	Comments
600	CONSENT VS. NOTIFICATION Each educational agency shall establish written procedures for obtaining consent from parents or eligible students regarding the individual student's records. As part of obtaining fully informed consent, at least the following are necessary components of procedures: • The consent must be in writing • The parent must be provided the information set out in the notice requirement promulgated by the collecting agency, in his/her native language. • The consent must specify the activity for which it is to be relased and to whom the records are to be released.	A chart is presented on the following page to distinguish the types of consent necessary for each level of confidentiality of information.

Type of Information	Type of Consent Necessary for Collection	Type of Consent Necessary for 3rd Party Access	Type of Consent Necessary to Release Data to Researchers
Class I DATA A) Basic identifying data B) Academic Achievement C) Attendance data D) Health data	"Representational" or "Blanket" Consent	*Individual Consent	Individual Consent
Class II DATA A) Stand. Achievement Test B) Stand. IQ & aptitude tests C) Medical history D) Administrative data E) Individualized education program documents	Individual consent	*Individual Consent	Individual Consent
Class III DATA A) Personality tests & psychological interpretations B) Reports of professionals C) Reports from other agencies D) Anecdotal records	Individual Consent	Individual Consent	Individual Consent

*Regulations approved by HEW Secretary Mathews in February 1976 state that "an education agency or institution may disclose information from the education records of a student without the written consent of a parent or an eligible student in a health or safety emergency." What constitutes such an emergency is not yet specified and must be determined by the local education agency.

Policy Number	Policy Statements and Administrative Procedures	Comments
700	NOTIFICATION RESPONSIBILITY Each education agency shall establish written procedures to notify parents, the students, and the community at least annually of their rights regarding issues of confidentiality and student records.	Additional steps may be taken so that the education agencies assure that the entire target population, including parents of preschool and out-of-school children in need of special educational services, are contacted. Notification by local and intermediate education agencies to parents, the students, and the community may be published by any of the following means: • School handbook • Letters • Newspaper • Public notices

701	NOTIFICATION POLICIES
	Each education agency shall establish specific policies regarding the notification procedures to the community. These shall minimally include the following:
	• The notice shall be published in newspapers with local and/or statewide circulation prior to any major identification or location activity.
	• The notice shall specify both the data to be collected and the manner in which the educational agency intends to collect it.
	• At least the following shall be included in the public notice:
	  • A description of the data sought and the use to be made of each type of data.
	  • A description of the purpose of the data collection.
	  • A description of the children on whom data will be maintained.
	  • The sources from whom data will be gathered.
	  • The means of gathering the data.
	  • A summary of the policies and practices regarding storage, retrieval, access control, retention, and disposal of all personally identifiable data.
	  • The parties having access to the data.
	  • A description of all parent and student rights regarding such data.
		It is recommended that the notice be published at least twice in the newspaper(s). The first notice should appear one month before data collection is to begin, with the following notice two weeks later. This should be an automatic practice each year before data collection begins. Notice should be supplemented by newspaper articles explaining the collection process, and attempts should be made at the local level to explain State and local involvement to the community. The notice should also be posted prominently in public buildings such as libraries, post offices, and schools.

Policy Number	Policy Statements and Administrative Procedures	Comments
701	(cont.) • Each education agency shall provide notice in the native language of its various populations.	
702	HEARING PROCEDURES Each education agency shall establish hearing procedures regarding parental challenge to the practices of the agency regarding any aspect of the confidentiality and student record issue. Hearings must be conducted under at least the following circumstances: • If a parent fails to give consent to the education agency to collect information about the student, i.e. for purposes of conducting an evaluation. • If the parent challenges the contents of the records.	

Policy Number	Policy Statements and Administrative Procedures	Comments
100	MEDICATION: ADMINISTRATION Each education agency shall establish written policies concerning the storage and administration of medication, the conditions under which it may be administered and the personnel responsible for such administration.	
100.1	Each education agency shall have a district-wide form complete with the following information for each child who is to have medication administered during school hours: • The type of prescription and recommended dosage. • Description of time and method of administration according to physician's recommendation. • Description of anticipated reactions of child to medication according to physician's/pharmocologist's recommendation. • Parental signature for professionals to administer medication • Physician signature for specified school professionals to administer medication.	The purpose of this information is to help those who work with exceptional children have an understanding of the effects of medication on the child and also to clearly designate responsibility for school hours.
100.2	No professional can be required to administer medication. In order to protect the health of the child and the rights of the professionals, written policies for the administration of medication shall be developed which consider at least the following: • The school principal has on file in the pupil's student record the "Administration of Medication" form properly completed (See Sec. 100.1 above). • The professional has a copy of the "Administration of Medication" form in his/her files for immediate reference. • The "Administration of Medication" form must be completed and filed each school year and whenever the prescription is changed by the physician. • The professional should be forewarned in writing that "the professional may be held negligent and personally liable to court action if a mistake is made by the professional in administering medication." • The professional has the right to refuse to administer medication.	Under the best of circumstances, it is suggested that all medication be administered by licensed health professionals. However, in some rural areas, this is not always an option due to shortage of health personnel. Therefore, these policies are suggesting that a professional person (teacher, administrator, psychologist, social worker, etc.) rather than a paraprofessional (secretary, aide, etc.) administer the medication. Written policies must reflect the education agency's practice on administration of medication.

Policy Number	Policy Statements and Administrative Procedures	Comments
100.3	Prescription medicine may not be brought to school by a pupil for self-administration without the physician's approval form on file.	
101	MEDICATION: STORAGE Each education agency shall designate in writing specific locked and limited access places within each building to house student medication. • In each building that houses a full-time registered nurse, medication shall be locked in the designated nurse's office. • In each building that houses a less than full-time registered nurse, medication shall be locked in the building administrator's office.	

Policy Number	Policy Statements and Administrative Procedures	Comments
100	DUE PROCESS: GENERAL PROVISIONS Each education agency shall develop written policies and procedures to insure a free appropriate public education for each exceptional child. It is imperative that when initial educational evaluation and placement decisions or changes in existing placement are being considered, due process protections be provided to the child, the family, and the schools.	The right to due process is introduced in the Fifth and Fourteenth Amendments of the United States Constitution. The Fourteenth Amendment provides that "no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States nor shall any State deprive any person of life, liberty, or property without due process of law." This Constitutional responsibility was affirmed by the U.S. Congress in 1974 when all States were required to include due process procedures in their State plan for the education of handicapped children in order to remain eligible to participate in Federally-sponsored programs for these children (P.L. 93-380). Unless the education agency and the parent or guardian otherwise agree, the child shall remain in the current education placement. If the child is applying for initial admission to a public school, the child shall be placed in the public school program until the proceedings have been completed.

Policy Number	Policy Statements and Administrative Procedures	Comments

200	DUE PROCESS MINIMUMS
	In order to meet minimum due process standards in identification, evaluation, and educational placement of exceptional children, each education agency shall establish the following:
	• Written notification in native language before evaluation. In addition, parents always have the right to an interpreter/translator if their primary language is not English.
	• Written notification before change in educational placement.
	• Periodic review of educational placement.
	• Access to education records.
	• Assignments of a surrogate parent for children when:
	  • The child's parent or guardian is not known.
	  • The child's parents are unavailable.
	  • The child is a ward of the State.
	• Opportunity for an impartial hearing including the right to:
	  • Receive timely and specific notice of such hearing.
	  • Review all records.
	  • Obtain an independent evaluation.
	  • Be represented by counsel and accompanied by persons having special knowledge of exceptional persons.
	  • Cross examine.
	  • Bring witnesses.
	  • Present evidence.
	  • Receive a complete and accurate record of proceedings.
	  • Appeal the decision.
		In order to execute these due process minimums, the State, in adopting its procedures, must provide for:
		• Enforcement of the requirements
		• Training of State and local education agency personnel
		• Identification, training, and monitoring of hearing officers
		• Recruitment, training, and monitoring of surrogate parents
		
		Procedures must be designed to fully inform parents or guardians, in their native language (unless it is clearly not feasible to do so) of all procedures available.
		
		The child's rights must be protected when his parents/guardians are unknown, unavailable, or the child is a State ward. This includes assigning a surrogate if necessary.

Policy Number	Policy Statements and Administrative Procedures	Comments
201	INFORMAL REVIEW Education administrators, teachers, and parents must work together to achieve the following conditions that enhance informal review: • Parent involvement in all decisions that affect the educational programming of their child. • Parent and professional awareness of their rights and responsibilities and those of the child. • Access by parents to all levels of the educational hierarchy and system. • Carefully developed administrative procedures that are written, codified, and made known to all involved in the process.	The State, in providing appropriate due process procedures, should build, to the greatest degree possible, on a combination of formal procedures and informal negotiation. Appropriate formal administrative due process procedures will greatly reduce the need for and frequency of judicial review, and sound informal discussions will reduce the need for hearings.
202	WRITTEN NOTIFICATION BEFORE AN EVALUATION When there is reason to believe that a preschool or school age child is in need of special education and related services and the child becomes a candidate for individual evaluation procedures, including informal assessment or observation and formal testing, then written permission must be obtained by the local education agency from the parents before the process can begin. This shall also apply when periodic reevaluation is planned.	Nothing in the suggested procedures should be construed as authorizing any delay in the provision of education or other related services to which a child is otherwise entitled. Neither should the procedures be construed as a bar to any administrative or judicial proceeding by the child, parent, or public school personnel to secure compliance or otherwise to secure proper implementation of the laws and regulations relating to the provision of regular or special education.
203	NOTICE OF INTENT Prior to the performance of an evaluation the parent shall be provided with both written and oral notices of intent to conduct an evaluation. The written notice shall be in the primary language of the home and in English. Oral interpretation shall always be given in the primary language of the home.	If the primary language of the home is other than English and a member of the household requests that English also be used, then a second oral interpretation shall be given in English. When necessary, arrangements shall be made to effectuate communication with hearing and visually handicapped parents.

Policy Number	Policy Statements and Administrative Procedures	Comments
203.1	NOTICE OF INTENT: CONTENT The notice of intent shall contain the following information: • The reasons the evaluation has been requested and the name of the person(s) who initiated the process. • The evaluation procedures and instruments that will be used. • A description of the scope of the procedures and instruments that will be used. • A statement of the right to review the procedures and instruments to be used. • A statement of the right to review and obtain copies of all records related to the request for the evaluation and to give this authority to a designee of the parent as indicated in writing. • A description of how the findings of the evaluation are to be used, by whom, and under what circumstances. • A statement of the right to refuse permission for the evaluation with the understanding that the local education agency can then request a hearing to present its reasons and try to obtain approval to conduct the evaluation. • A statement of the right to be fully informed of the results of the evaluation. • A statement of the right of the parent to obtain an independent educational evaluation, either from another public agency with the fee determined on a sliding scale or privately at full cost to the parent. • A declaration that the child's education placement will not be changed without the parent's knowledge and written approval or completion of the due process procedures. • Identification of the education agency employee (chairperson of the evaluation team) to whom the parent response should be sent and the deadline for response given in terms of the day, date, and time. In no case should the deadline be less than 10 school days nor more than 15 school days after receipt of the notice.	All of this information must be conveyed to parents in writing. Some, but not all, can be on a form. Care should be taken so that the accurate information is presented but not in such a "legal-eze" method that would frighten any parent.

Policy Number	Policy Statements and Administrative Procedures	Comments
204	LEA REQUEST FOR HEARING If the parent refuses to grant permission for an evaluation or if he fails to return the permission form within 15 days of receipt of the notice of intent, the local education agency shall have the right, according to state policy, to request a hearing to obtain approval to conduct an evaluation. If it requests a hearing, the local educational agency must provide written notice to the parent in the primary language of the home.	This notice should be sent by certified mail so that a signed receipt can be obtained. It should be sent on the same day the request for a hearing is filed.
204.1	WRITTEN NOTICE: CONTENT The written notice sent by the education agency shall include at least the following information: • A copy of the original notice of intent to conduct an evaluation. • A detailed description of all of the rights regarding procedures at the due process hearing. • A list of those agencies in the community from which legal counsel may be obtained for those unable to pay. • A description of the procedures for appealing the decision resulting from the due process hearing.	In addition to written notification, the local education agency should also attempt to provide oral notice and interpretation in the primary language of the home. This shall be given by the chairperson (with an interpreter, if necessary) of the proposed evaluation team.

Policy Number	Policy Statements and Administrative Procedures	Comments
205	EVALUATION PROCEDURES Each education agency shall establish written procedures that provide the following guarantees throughout the initial evaluation as well as during the periodic reevaluation: • Within 5 school days after receipt of written parental permission, or after a final decision to conduct an evaluation is forthcoming from a due process hearing, the chairperson of the evaluation team shall advise the parent of the evaluation schedule (date, time, and location). This notice shall be delivered in writing, in the primary language of the home and in English, and orally in the primary language of the home. • Within 30 school days after notifying the parent of the schedule, the evaluation will be completed unless another date is specified and agreed to in writing by the parent. • Within 15 school days after completion of the evaluation, the parent shall be given, in writing in the primary language of the home and in English and orally in the primary language of the home, the results of the evaluation, the educational implications, and a written individualized education program. The parent shall be provided with the opportunity to be an active participant in the development of the educational program for their child. • The chairperson of the evaluation team will assure the parent that no change in the child's educational placement will occur without the knowledge and written approval of the parent and that due process procedures will be followed. • The chairperson of the evaluation team will indicate in writing that reevaluation will be required periodically and at least every calendar year so long as the child continues to receive special education and related services. Upon parental request, a review may be conducted at any reasonable time after the first 3 months of the placement.	

Policy Number	Policy Statements and Administrative Procedures	Comments

206	CHANGE IN PLACEMENT PROCEDURES
	Each education agency shall develop written procedures outlined in a form that contains at least the following information:
	• Describe in detail the right to obtain a hearing if there are objections to the proposed action or nonaction, including a description of all of the rights regarding procedures at such a hearing. This notice should emphasize that the parent need not accept the proposed decision to change or not change the placement of the child when there is disagreement with the proposed alternative program.
	• Describe in detail the procedures the parent should use to appeal a hearing decision.
	• Explain that if the proposed action is rejected by the parent, the child will be temporarily continued in his present educational placement unless the present placement endangers the health or safety of the child or other children and/or substantially disrupts the educational programs of other children. In this instance the local education agency shall notify the parent of the interim change in writing, by certified mail in the primary language of the home and in English, and orally in the primary language of the home. This notice shall specify:
	  • The manner in which the health and safety of the child or other children is endangered or the manner in which the educational program of other children is being disrupted.
	  • The nature, duration, and location of the interim placement, which must not exceed 15 school days.
	  • That the interim placement may be extended beyond 15 school days only upon the decision of a hearing officer and that in no case may it extend beyond the duration of the entire due process procedures.
	  • The name of the person responsible for the interim placement and the date the interim placement will begin.	

Policy Number	Policy Statements and Administrative Procedures	Comments
206	(cont) • State that no parent of a child place in a special program will be required to perform duties not required of any other parent whose child is enrolled in the public schools.	

Policy Number	Policy Statements and Administrative Procedures	Comments
300	THE RIGHT TO AN IMPARTIAL HEARING Each education agency shall establish written procedures providing for an impartial hearing process that will provide an objective review of the parent-school disagreement and ultimately produce an objective decision resolving the dispute. Hearings may be convened when: • The child is being considered for evaluation and permission is not granted by the parents. • A change in the child's educational placement is planned by the State or local education agency or has been requested by the parent and there is disagreement over the recommendation.	Regardless of the formal and informal steps leading to a hearing and the many procedural and process provisions that must be met in the hearing situation itself, the key concept is that the final decision of the hearing officer will be as impartial as possible. In this text, the term hearing officer refers to the individual who when acting in that role is an official representative of the State Commissioner of Education.
301	PREREQUISITES TO THE HEARING Within 5 school days of the request for a hearing, the local education agency shall schedule a conference with the parent to review the proceedings, findings, and recommendations to date for the purpose of settling the controversy and if possible avoiding the hearing. If resolution is not achieved at the conference or if there is insufficient communication to convene the conference, the hearing will be scheduled. Prior to the hearing the following steps shall occur: • Prior notice of the intent to convene a hearing should be provided to the parents. • The parent, or his designee as established in writing, shall be allowed access to the school reports, files, and records pertaining to the child and shall be allowed to obtain copies at the actual cost of copying. • Within 10 school days of receipt of a request for a hearing, a trained impartial hearing officer shall be appointed by the State education agency to preside at the hearing.	Refer to Sec. 400, p. 14 regarding the policies governing the selection of impartial hearing officers.

Policy Number	Policy Statements and Administrative Procedures	Comments
301	(cont) • Within 5 school days of the appointment of the hearing officer and at least 20 school days prior to the hearing, the State education agency shall provide notice of the time and place of the hearing to the hearing officer, to the parent, and to the officials of the local education agency. The hearing shall be held at a time and place reasonably convenient to the parent, but shall not occur more than 30 school days after the appointment of the hearing officer. Notice to the parties involved shall be in writing in the primary language of the home and in English and shall be sent via certified mail. • Information used by both the school and the parents should be exchanged prior to the hearing so that both parties have access to the same information. • A parent should be informed of the right to require the attendance at the hearing of any officer, employee, or agent of the local or State education agency who may have evidence or testimony relevant to the needs, abilities, proposed programs, or status of the child. • The child shall remain in his current educational placement until the hearing officer enters a decision following the hearing, except in an emergency situation when the health and safety of the child or other children would be endangered or when the child's presence substantially disrupts the educational programs for other children.	

Policy Number	Policy Statements and Administrative Procedures	Comments
302	HEARING PROCEDURES Each education agency shall establish written procedures which contain at least the following information regarding the conduct of the hearing: • The hearing officer shall preside at the hearing and shall conduct the proceedings in a fair and impartial manner so that all parties involved in the hearing shall have an opportunity and be encouraged to present their evidence and testimony. • The parent and the local education agency may bring representatives including legal counsel, agency representatives, or others to the hearing. Each shall have the right to a full and complete listing of persons the other party will have at the hearing. • The hearing shall be open to the public unless the parent requests a closed hearing. • The parent and the local education agency, or their respective representatives, shall have the right to present evidence and testimony. • The parent and the local education agency, or their respective representatives, shall have the opportunity to confront and question all witnesses at the hearing. • If the child is over the age of majority, he or she shall have all rights or the parent, including the right to exclude the parent(s). • If the child has not reached the age of majority, the parents shall have the right to determine if the child shall attend the hearing, except upon a finding by the hearing officer that attendance of the child would be harmful to the child's welfare. The child may then be excluded from all or part of the hearing. • The burden of proof as to the adequacy and appropriateness of the proposed course of action shall be upon the local education agency. In the case of a placement question, the local education agency must demonstrate why less restrictive placement alternatives could not adequately and appropriately serve the child's educational needs.	Public policymakers, whether legislators or judges at both the State and Federal level, have made clear that decisions about identifying, evaluating, and placing exceptional children in education programs must be governed by due process safeguards. Implicit in that requirement is that whenever a decision is contested to the point that a hearing is to be convened, the hearing must be conducted in an impartial manner by an impartial hearing officer for a neutral review panel.

Policy Number	Policy Statements and Administrative Procedures	Comments
302	(cont.) • A tape recording or other verbatim record of the hearing shall be made. Such record shall remain under the control of the State education agency. The parent and the local education agency shall have the right to this record on request. • At all stages of the hearing, interpretation for the deaf and interpreters in the primary language of the home shall be provided, when necessary, at public expense.	
303	DECISION OF THE HEARING OFFICER Within 10 school days after the hearing is held, the hearing officer shall issue a decision in accord with the following: • The decisions shall be in writing in the primary language of the home and in English and shall be sent by certified mail to the parent, the local education agency, and the State education agency. • The decision of the hearing officer shall be based solely on evidence and testimony presented at the hearing. • The written decision shall include findings of fact, conclusions, and reasons for them. If the decision is to disapprove a proposed individualized education program, it shall state what would be an adequate and appropriate educational program for the child. If the decision is to approve a proposed individualized education program, it shall indicate why less restrictive placement alternatives could not adequately and appropriately serve the child's educational needs. • The decision shall include a statement of the procedures necessary to obtain an appeal of the hearing officer's decision, including a list of those agencies from which the parent may obtain legal assistance.	

Policy Number	Policy Statements and Administrative Procedures	Comments
303	(cont.) • The decision shall be binding on the parent and on the local education agency, officers, employees, and agents. If the case is appealed, the decision of the hearing officer shall be adhered to pending outcome of the appeal, unless specific waiver is obtained.	
304	RECORD OF THE HEARING A summary of the proceedings at the hearing shall be made. Included will be any material or statements specifically requested by any of the parties to appear in the record. The summary shall be made available to the parties to the hearing. On request of the parent or the local education agency, a copy of the tape recording or other verbatim record of the hearing shall be transcribed and provided.	P.L. 94-142 states that any party aggrieved by the findings and decisions under this part "shall have the right to bring a civil action with respect to the complaint presented pursuant to this section, which action may be brought in any State court of competent jurisdiction or in a district court of the United States without regard to the amount in controversy. In any action brought under this paragraph, the court shall receive the records of the administrative proceedings, shall hear additional evidence at the request of a party, and, basing its decision on the preponderance of the evidence, shall grant such relief as the court determines is appropriate."
305	HEARING DECISION APPEAL PROCEDURES Within 10 school days after a decision has been made, an appeal of the decision may be initiated by the parent or by the local education agency to the appropriate administrative official (e.g., the State Superintendent of Public Instruction or Court, as indicated by the State Administrative Procedures Act).	

Policy Number	Policy Statements and Administrative Procedures	Comments
400	SELECTION OF HEARING OFFICERS Each education agency shall develop written procedures outlining guidelines for the selection of impartial hearing officers. Selected individuals should: • Not be involved in the decisions already made about a child regarding identification, evaluation, placement, or review. • Possess special knowledge, acquired through training and/or experience, about the nature and needs of exceptional children. An awareness and understanding of the types and quality of programs that are available at any time for exceptional children is essential. • Be sufficiently open minded so that they will not be predisposed toward any decisions that they must make or review. However, they must also be capable of making decisions. • Possess the ability to objectively, sensitively, and directly solicit and evaluate both oral and written information that needs to be considered in relation to making decisions. • Have sufficient strength to effectively structure and operate hearings in conformity with standard requirements and limits and to encourage the participation of the principal parties and their representatives. Be sufficiently free of other obligations to provide priority to their hearing office responsibilities. They must be able to meet the required timelines for conducting hearings and reporting written decisions. • Be aware that the role of the hearing officer is unique and relatively new, requiring constant evaluation of the processes, their own behavior, and the behavior of all the principals involved for purposes of continuously trying to improve the effectiveness of the hearing process.	Whenever a State or local education agency hires and compensates people to serve as hearing officers such individuals become employees of the agency and cannot technically be termed neutral. While such an allegation may be made, and perhaps verified, education agencies will counter by emphasizing that they encourage these "employees" to function independently and objectively to meet the spirit and intent of due process. A review of the literature and conversations with attorneys familiar with due process reveal no obvious solution to this potential problem. Whether the selection or compensation of officers is done by an advocacy arm of State government apart from the education agency, by the State or local education agency, or by any other agency, in the final analysis the funds originate in the public sector and thus pressures can be brought to "neutralize" the neutrality of hearing officers. In no case may a hearing officer be someone who has any responsibility for the education of the exceptional child.

Policy Number	Policy Statements and Administrative Procedures	Comments
401	ADDITIONAL SAFEGUARDS To contribute to the maintenance of impartiality, education agencies should consider two additional safeguards: • The State should accept only persons who are already employed and would undertake the responsibility of hearing officer on a part time basis. • A system for monitoring and evaluating the performance of the hearing officers.	Such individuals will never be totally dependent on earnings generated from their hearing officer responsibilities, a factor which could contribute to their ability to remain impartial. While a major goal of such a procedure is to insure that the hearing officers are appropriately performing their responsibilities, it could also be used to oversee the entire system. To provide as objective a review as possible of both the workings of the system and the hearing officers, the review function should be carried out by a standing State board concerned with the handicapped, if possible one independent of the State education agency. Since most states have such boards, another bureaucratic agency need not be established. For maximum effectiveness, this board must be given the power to review the transcripts of hearings and the decisions made, sit as observers in hearings, and recommend to the State the discharge of those hearing officers judged to be ineffective.

Policy Number	Policy Statements and Administrative Procedures	Comments
500	TRAINING OF HEARING OFFICERS Each education agency shall establish written procedures guaranteeing that hearing officers will receive adequate training in at least the following areas: • Public policy and the education of exceptional children. • The nature and needs of exceptional children. • Procedures for conducting the hearing.	People from many walks of life will qualify as hearing officers. Certainly, special and regular educators, educational and other psychologists, attorneys, medically trained people such as physicians and nurses, social workers, and parents of handicapped or nonhandicapped children could meet the requirements. Since all of these people, regardless of their knowledge and experience with the education of handicapped children, will be relatively naive about the authority and responsibilities of hearing officers, the training program must be broad, as described below. Hearing officers must understand the public policy in force in each State as expressed in statutes, administrative rules and regulations, case law, and rulings of attorneys general. This body of information will clearly establish the boundaries for decision making by the hearing officers. The material provided should not be restricted to special education since other policies will also have impact: for example, State provisions regarding transportation of school age children or vocational education.

Policy Number	Policy Statements and Administrative Procedures	Comments
500		(cont.) All hearing officers will need to become acquainted with the latest information about the educational nature and needs of handicapped children. Emphasis should be placed on specific descriptions of all handicapping conditions, particularly as they are expressed in terms of educational needs. Equally important is training that focuses on effective instructional strategies and settings that can appropriately be used to educate exceptional children. Of utmost importance is that all persons receive extensive information about the range of program alternatives that can be used for educating these youngsters. At the heart of that information is emphasis on the concept of educating children in the least restrictive alternative setting. This concept, sometimes erroneously called mainstreaming or educational normalization, stresses that handicapped children should be removed no farther than necessary from the most normalized setting.

Policy Number	Policy Statements and Administrative Procedures	Comments
600	DUTIES OF OFFICER WHEN CONDUCTING HEARINGS Each education agency shall establish written procedures outlining the specific responsibilities of hearing officers when conducting hearings. Hearing officers must, at a minimum, follow these steps: • The hearing officer should explain the entire due process procedure (including the hearing itself) and the appeals process, should the parents disagree with the outcome of the hearing. • Hearing officers should solicit the participation of all present at the hearing, particularly parents, and allow cross examination of all principal participants. The hearing officers must be trained to be sensitive to the tendency on the part of some to totally dominate the hearing, thus preventing all parties from equal participation. • Through prior reading and questioning, the hearing officer must assess the quality of the education evaluation completed regarding the child in question. Obviously, this assessment must consider the type of personnel involved in the evaluation, the procedures used, and the interpretation of the results.	The use of hearings in special education decisions is relatively uncommon and presents a new set of circumstances. The role and responsibility of the hearing officer is immense, for the future of a child may well lie with the decisions made by that individual. Undoubtedly, many participants in the hearing will be emotional by the time they have reached the state of negotiations. The hearing officer must be sensitive to the emotional needs of these individuals, but he must control their behavior as well as his own and make his decisions as objectively as possible.
	• The decision of the hearing officer regarding a program placement must be based on the relationship between the educational needs of the child, the individualized education program designed by the schools, and the apparent ability of the schools to deliver the recommended special education and related services. • The hearing officer has an obligation to make decisions on the basis of all evidence as it is presented in both written and oral testimony. • Because the public schools must bear the burden of proof in demonstrating that their recommendation is appropriate for the child, the hearing officer must assess the recommendation to ensure that a unified position is presented and that all school officials are in agreement.	Because the onus is on the education agency to provide a free, appropriate public education in the appropriate, least restrictive environment for the child, then the impartial hearing officer must assess whether or not the individualized education program developed by the education agency is appropriate for the child.

Policy Number	Policy Statements and Administrative Procedures	Comments

600	(cont)
	
	• The hearing officer must make sure that the hearing is being recorded and advise the parties that they have the right to obtain copies of transcripts.
	• At the outset of the hearing, the hearing officer should explain the procedures that will be followed during the hearing so that all parties can be assured that they will have an opportunity to present their statements.
	• The hearing officer must understand and make clear to the participants that, since the decision that will be made is largely based on the testimony given, he must be free to ask questions at any time.
	
	• The hearing officer must be aware of the structure of the written report to be developed at the conclusion of each hearing. The information presented should include at least the following:
	  • A statement of the purpose of the hearing.
	  • A list of all persons attending the hearing including identification information.
	  • A review of the facts as presented by the school system.
	  • A list of the specific points being challenged and defended.
	  • A review of the evidence.
	  • The decision.
	  • The justification for the decision.	

Policy Number	Policy Statements and Administrative Procedures	Comments
600	(cont.) • Hearing officers must be aware that there will, at times, be a conflict between the interests of the child and the interests of his parents. Generally, the law in this area supports parents over their minor children, unless it can be determined that to follow the course desired by the parents will endanger the health or safety of the child. • If hearing officers feel they have insufficient material to make a decision, they may call the hearing incomplete, clearly indicate to all parties the type of information needed, and then reschedule the hearing. • The hearing described here is not a judicial proceeding and therefore the hearing officer need not enforce strict rules of evidence and strict fomality. It is desirable to facilitate communication, and benefit from the informality. The seating arrangement should permit all participants to easily hear and see each other. Obviously if there are participants who have visual or auditory problems or who speak a foreign language, adequate arrangements for translators should be made.	

F-1

REFERRAL FOR EVALUATION

ORIGINATOR: School personnel (including a teacher), a parent, a judicial officer, a social worker, a physician, a person having custody of the child, any other person including a school age child who may ask for a referral through any one of those listed above.

PURPOSE: To begin the evaluation process.

SEND TO: Special Education Administrator.

Date: _____

STUDENT

1. NAME: _____
   Last First Middle
2. ADDRESS: _____
   Number Street
   _____
   City State ZipCode
3. TELEPHONE: _____
   AreaCode Number
4. BIRTH DATE: ____/____/____ 5. CURRENT EDUCATION PLACEMENT _____
   Month Day Year
6. Is this student currently receiving
   Special Education ☐ Yes ☐ No
   Related Services ☐ Yes ☐ No

PARENT

1. NAME: _____
   Last First Middle
2. ADDRESS: _____ (Fill out only if information is different than above)
   Number Street
   _____
   City State ZipCode
3. TELEPHONE: _____
   Area Code Number
4. PRIMARY LANGUAGE OF THE HOME:
   ☐ English ☐ Other Specify _____

SPECIFIC REASONS FOR REFERRAL

Please indicate the specific reasons and/or situations which make you feel that a referral for special education evaluation is needed.

1. _____

_____

2.

3.

4.

ATTEMPTS TO RESOLVE

Please indicate all attempts to resolve each of the above listed reasons within the current education program. This should include what was done, for how long, and by whom. Attempts to resolve should follow the sequence of reasons listed above.

1.

2.

3.

4.

PERSON MAKING REFERRAL:

NAME

POSITION/TITLE

PHONE

F-2

REQUEST FOR ASSIGNMENT OF A SURROGATE PARENT

ORIGINATOR: Any employee of a school district, state education agency, residential school, institution, or hospital; any judicial officer; or any other person whose work involves education or treatment of children who knows of a child possibly needing special educational services and knows that:

- The child's parents or guardians are not known.
- The child's parents or guardians are not available.
- The child is a ward of the state.

PURPOSE: To request assignment of a surrogate parent to the child. The request shall be filed with the local education agency.

Date:_____

CHILD

1. NAME:_____

2. ADDRESS:_____
   Number Street

   _____
   City State Zip Code

3. TELEPHONE:_____
   Area Code Number

4. WITH WHOM IS THE CHILD RESIDING?
   NAME:_____
   RELATIONSHIP:_____

INQUIRER

1. NAME:_____

2. POSITION TITLE:_____
3. EMPLOYER/AGENCY:_____
4. BUSINESS ADDRESS:_____
   Number Street

   _____
   City State Zip Code

5. BUSINESS TELEPHONE:_____
   Area Code Number

6. WHY HAS THIS REQUEST BEEN MADE?

_____

_____

_____

Signature:_____

 Person Making Request

F-3
REQUEST FOR INTERPRETER/TRANSLATOR

ORIGINATOR: Special Education Administrator.

PURPOSE: All communication with parents of children referred for possible special education and related services or currently receiving special education and related services should be conducted in the mode and primary language of the home. If the special education administrator determines that the language is other than English or that the parents are blind or hearing impaired and an interpreter/translator is needed to facilitate communications between the evaluation team members and the parents and/or the child, then this form should be completed.

1. CHILD's NAME: _____

   PARENT's NAME: _____

   ADDRESS: _____
   Number Street

   _____
   City State Zip Code

2. The mode or primary language of the home is _____

3. An interpreter/translator will be needed for the following:

   _____ Development of the individualized education program
   _____ Review of the written individualized education program
   _____ Review of student records (written)
   _____ Hearing procedure
   _____ Identification of a surrogate parent

4. An interpreter/translator is needed on the following date(s):

   _____
   _____
   _____
   _____

F-4

NOTICE OF INTENT TO CONDUCT AN EVALUATION

ORIGINATOR: Special Education Administrator.

PURPOSE: To inform parents that a referral for an evaluation has been made and to inform parents of their rights.

Date: _____

Dear Parent:

_____ (Name) _____ (Title)
recently filed a form requesting that your child, _____ (Child's name)
evaluated by this office for potential special education and related services. A copy of the request as filed is enclosed for your review.

The evaluation procedures and their associated instruments that will be used in each of the following areas are:

Assessment Areas	Evaluation Procedures	Associated Instruments
Intelligence:		
Achievement:		
Behavior:		
Physical:		
Other:		

The findings of the evaluation will be used by the following people to develop a set of program recommendations for your child.

_____
Name Title

_____
Name Title

_____
Name Title

It is very important that you be aware of and understand that you have the following rights:

1. To review all records related to the referral for evaluation.
2. To review the procedures and instruments to be used in the evaluation.
3. To refuse to permit the evaluation (in which case the local education agency can request a hearing to try to overrule you).
4. To be fully informed of the results of the evaluation.
5 To get an outside evaluation for your child from a public agency, at public expense if necessary.

You child's educational status will not be changed without your knowledge and written approval.

Enclosed is a Parent Permission Form which must be completed by you and returned to this office within 5 school days.

Should you have any questions please do not hesitate to call me at _____

Yours truly,

_____
Name
Title

Enclosures: Form 1
Form 5

F-5
PARENTAL PERMISSION FORM

Name of Administrator of Special Education: _____ (This information could

Address: _____ be printed in advance.) _____

_____

Phone Number: _____

Dear (Director of Special Education):

I am in receipt of the Notice of Intent to Conduct an Evaluation for my child, _____ (child's name) _____.
I understand the reasons and the description of the evaluation process that you provided and have checked the appropriate box below.

☐ Permission is given to conduct the evaluation as described.

☐ Permission is denied.

_____
Parent's Signature

_____
Date

F-6
ASSESSMENT SUMMARY REPORT

Originator: Any professional conducting assessments for the purpose of determining a child's eligibility for special education and related services.

Purpose: To summarize assessment information and present performance levels for the development of the child's individualized education program.

p._____ of _____

Assessment Performed by: _____ Name _____ Position

_____ Address _____ Specialized Field

_____ Phone

Student's Name: _____ Birth Date _____

Date of Report: _____

Specific questions to be addressed:

Assessment Tools and Settings

(Check the tests administered)

WISC Date_/_/_	Spache Date_/_/_	Slosson Date_/_/_	Winterhaven Date_/_/_	WAIS Date_/_/_
Leiter Date_/_/_	WIPPSI Date_/_/_	WISC R Date_/_/_	Bender-Gestalt Date_/_/_	

Other Diagnostic Tools

1.
2.
3. etc.

*Results	*Implications for IEP	* Present Level(s) of Performance Statements

*Additional information should be attached to this page if required.

Signature _____ Specialist Date _____

F-7

INDIVIDUALIZED EDUCATION PROGRAM SCHEDULE AND PROCEDURES

ORIGINATOR: Chairperson of the Individualized Education Program Team.

PURPOSE: To keep the parent thoroughly informed about the development of the individualized education program and to invite parental participation.

Date_____

Dear Parent:

Thank you for responding promptly and granting permission for_____(Child's name)_____ to be evaluated for potential special education and related services. The evaluation(s) will be conducted exactly as it was described to you in the Notice of Intent to Conduct an Evaluation.

We have scheduled the meeting to develop your child's individualized education program for:

_____	_____	_____
Date	Time	Place

According to the requirements of P.L. 94-142, the Education for All Handicapped Children Act of 1975, the following persons are required to participate in the development of your child's individualized education program:

Relation to Child	Name
• A representative of the local educational agency, other than the child's teachers, who is qualified to provide or supervise the provision of special education.	_____
• The child's teacher or teachers, special or regular, or both, who have a direct responsibility for implementing the child's individualized education program.	_____
• One or both of the child's parents.	_____
• Where appropriate, the child.	_____
• Other individuals at the discretion of the parent or agency.	_____

If for some reason this schedule is not acceptable to you, please contact me as soon as possible. The individualized education program will be completed within 30 days of the date of this letter unless you submit a written request for a delay.

If you have any questions please feel free to call me at any time.

Yours truly,

_____
Chairperson of the Evaluation Team
Telephone Number

INDIVIDUALIZED EDUCATION PROGRAM

School District Responsible _____

Date(s) of meeting: _____

_____

_____

Current placement _____

Eligibility certified _____
(date)

Period of individualized education program

_____ to _____

Persons present	Relationship to child

Curriculum areas* requiring special education and related services	Present Level(s) of performance	Annual goals	Short term objectives	Time required	Objectives attained (dates)			
Area 1								
Area 2								

*If more space is required, use an additional sheet.

A. List any special instructional material or media necessary to implement this individualized education program.

Special education and related services recommended	Personnel responsible (name and title)	Date services begin	Duration
Curriculum area 1			
Curriculum area 2			

B. Describe the extent to which the child will participate in regular education programs.

_____

_____

_____

_____

C. Recommended type of placement: _____
(include physical education)

_____

D. Provide justification for the type of educational placement.

_____

_____

_____

_____

E. Actual placement: _____

_____

F. List the criteria, evaluating procedures and schedule for determining whether the short term objectives are met.

Short term objectives	Objective criteria	Evaluation procedures	Schedule

Date of parental acceptance/rejection _____

Signature _____

Signature _____

F-9

NOTICE OF THE FILING OF A REQUEST FOR A HEARING

ORIGINATOR: Special Education Administrator.

PURPOSE: To inform the parents that the local education agency has filed for a hearing in response to a parent's refusal to permit an evaluation or placement or in response to a disagreement by the parents with the proposed individualized education program.

Date: _____

Dear Parent:

Since we have been unable to reach agreement on the proposed individualized education program for your child, this agency has today filed a request for a hearing before an impartial officer. It is hoped that this hearing will enable a fair and speedy resolution of our differences.

You have the right to an independent evaluation of your child from a public agency at public expense and the right to be represented at the hearing by any person or persons of your choice. You are entitled to review and photocopy all of your child's school files and records.

A description of the hearing procedure and a list of your rights relative to the hearing are enclosed. A list of agencies in the community from which legal counsel may be obtained is also enclosed. Should you have any questions or concerns please feel free to contact me.

We are looking forward to settling this quickly so that we are all assured that your child is receiving an appropriate education.

Sincerely yours,

_____

Special Education Administrator

Telephone Number

Enclosures

Enclosure for F-9

A full description of the hearing procedures followed in your district should be included as an enclosure. The following information should be highlighted.

1. The description of the hearing procedure should state that the parent has the right:
   - To be represented by legal counsel.
   - To bring witnesses.
   - To request certain school personnel to be present.
   - To cross examine.
   - To obtain an independent evaluation.
   - To request a "closed" hearing if desired.
   - To examine and reproduce all school records.

2. The following procedural elements should be emphasized:

   - A record of the hearing will be made if requested.
   - If the child has not reached the age of majority, the parents shall have the right to determine if the child shall attend the hearing, except on a finding by the hearing officer that attendance would be harmful to the welfare of the child. The child may then be excluded from all or part of the hearing.

3. The burden of proof as to the adequacy and appropriateness of the proposed course of action shall be upon the local education agency.

4. A tape recording or other verbatim record of the hearing shall be made and shall be controlled by the state education agency. The parent and the local education agency shall have the right to this record on request.

5. At all stages of the hearing, interpretation for the deaf and interpreters in the primary language of the home (when other than English) shall be provided at public expense.

F-10
REVIEW OF INDIVIDUALIZED EDUCATION PROGRAMS

ORIGINATOR: Special Education Administrator.

PURPOSE: No later than 8 months after a child's written educational program has been initiated and during each calendar year thereafter, the local education agency must conduct a review of the individualized education program to evaluate its effectiveness in meeting the child's educational needs. This form letter is to notify the parents when the review is scheduled.

Dear Parent:

It has been almost 8 months (1 year) since_____(Child's name)_____was placed in his current educational program. In order to evaluate how well suited the program is, we have scheduled a review (reevaluation).

The review will take place on _____ at _____
Day Date Time

at _____
Place

It is important that you participate in this review. If the scheduled time is not convenient please contact me immediately so that we might rearrange it.

The following procedures will occur at the review:

Within 10 days after the reevaluation you will receive notice of the findings and recommendations made.

It is very important that you be aware of and understand that you have the following rights:

1. To go over all records related to the reevaluation.
2. To go over the procedures of the reevaluation.
3. To participate in developing any necessary changes required in the individualized education program.

Should you have any questions please feel free to call me at any time at _____.

Yours truly,

_____
Special Education Administrator

F-11
ANECDOTAL RECORD(S)

p. ____ of ____

Student _____

School Year _____

Date of Entry	Recorded by	Time & Date of Observ.	Circumstances Surrounding Behavior (setting, participants, etc.)	Observable Behavior	Relationship to the Student's IEP

F-12
ADMINISTRATION OF MEDICATION

ORIGINATOR: Special Education Administrator

PURPOSE: To secure important information regarding the administration of medication and the effects the medication might have or is having on the school performance of the student.

Student name: _____
Duration of this form: _____school year (or until medication is changed)

Type of prescription:

Recommended dosage:

Time(s) administered:

Reactions: The physician/pharmacologist is urged to list potential reactions the child might have to medication. The teacher or support personnel should note any behavioral changes.

Anticipated Reactions to Medication (potential impact on education)	Observed Reactions to Medication (actual impact on education)	Date	Obs. by
Ex: Increased drowsiness expected for first 4-5 days of medication change	Ex: Student fell asleep while talking during science class. Was asleep for 5 minutes	9/18	ST

During the school hours of_____and_____, it is my understanding that (person administering medication)_____, who is (child's name) 's (teacher or (type in position) will administer the prescribed medication according to the specified physician's recommendations.

Signatures: Date of Signatures:

_____ Parent _____

_____ Physician _____

_____ Person Admin. Med. _____

_____ Bldg. Level Admin. _____

F-13
REQUEST FOR PERMISSION TO RELEASE PERMANENT
SCHOOL RECORD TO THIRD PARTY*

Dear ☐ Parent,
☐ Student,

_____, 19 _____.

We have received a request from _____
(Name of requesting individual, agency, etc.)

for ☐ a copy of ☐ access to _____ school record.
(name of Pupil)

School Record

Please indicate in the appropriate space below whether you are willing for us to comply with this request.

☐ Yes ☐ No

_____ may have ☐ a copy of ☐ access to the
(Name of requesting party)

following part of _____ record.
(name of Pupil)

☐ Official student academic record (name, address, birthdate, grade level completed, grades, class standing, attendance record, health data, aptitude and achievement test results)

☐ intelligence test scores

☐ personality and/or interest scores

☐ teacher and/or counselor observations, ratings, and recommendations

☐ Family background data

☐ Psychological or social work reports

☐ individualized education program

_____ _____, 19 _____
Parent or Student Signature Date

Please return the completed form to: (print name/address of special education administrator)

*This form is adapted from the Seattle, Washington School District.

F-14

CONSENT FORM FOR MUTUAL EXHANGE OF INFORMATION*

ORIGINATOR: Special Education Administrator

PURPOSE: To obtain parental permission to secure necessary child records from agency and/or personnel outside the school district.

Date_____

Student's Name _____

Birth Date _____

I hereby authorize the mutual exhange of records regarding the above-named child between the School District and (list of all schools, physicians, psychologists, hospitals, clinics, etc. that have had significant contact with your child):

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

I certify that I am the parent or legal guardian of the above-named child or that I am the student of majority age and have the authority to sign this release.

_____
Signature

_____
Address

_____
City

Please return this form to: (print name/address of special education administrator.)

*This form is adapted from the Seattle, Washington School District.

F-15

RECORD OF INSPECTION OF PUPIL RECORDS*

_____

Name of Pupil

Record examined by	Date:	Purpose
	/ /	
	/ /	
	/ /	
	/ /	
	/ /	
	/ /	
	/ /	
	/ /	
	/ /	
	/ /	
	/ /	
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	/ /	
	/ /	
	/ /	

ATTACH THIS FORM TO INSIDE OF STUDENT RECORD FOLDER

*This form is adapted from the Seattle, Washington School District.

A-1

WORKING/ADVISORY COMMITTEE MEMBERS

Members of the SEAP Working/Advisory Committee were selected on the basis of their personal knowledge relative to the education of all children. Each member has brought to the Committee a variety of experience and a wealth of expertise. In addition, some of the members represent key policymaking organizations. The members and the organizations they represent are listed alphabetically:

Individual	Organization
Ms. Jane C. Belau Rochester, Minnesota	Minnesota Developmental Disabilities Council
Mrs. Wendy Cullar, Administrator Program Development and Evaluation Section Florida State Education Agency Tallahassee, Florida	National Association for State Directors of Special Education
Dr. Frank Dick, Superintendent Toledo Public Schools Toledo, Ohio	American Association of School Administrators
Ms. Margaret E. Faulk Support Practitioner Fairfax, Virginia	American Speech and Hearing Association
Dr. Robert Gibson, Director Special Education Ankeny, Iowa	The Council for Exceptional Children Governmental Relations Committee
Ms. Shirley Jones, Coordinator School Affairs Program Washington, D.C.	American Speech and Hearing Association
Ms. Priscilla Laubenstein Special Education Teacher Barrington, Rhode Island	The Foundation for Exceptional Children
Ms. Hermia Rogers Annapolis, Maryland	Maryland Federation, The Council for Exceptional Children
Dr. Chauncy Rucker University of Connecticut Storrs, Connecticut	The Council for Exceptional Children, member of Council of Administrators of Special Education, and Division on Mental Retardation

Individual	Organization
Dr. Judy Schrag, Director Division of Special Education Boise, Idaho	Idaho State Education Agency
Ms. Ann Woodward, Member Atlanta School Board Atlanta, Georgia	National School Boards Association
Dr. Kenneth Wyatt Georgia State University Atlanta, Georgia	The Council for Exceptional Children, member of Teacher Education Division
Ex Officio Members	
Mr. John E. Davis Project Monitor	The Bureau of Education for the Handicapped
Mr. William C. Geer Executive Director	The Council for Exceptional Children
Dr. Philip Jones President 1975-76	The Council for Exceptional Children
Dr. Harold Perry Current President	The Council for Exceptional Children

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State Education Agency Participants

In the Fall of 1974 each State Director of Special Education in the 50 States, the Trust Territories and the Bureau of Indian Affairs was contacted regarding this policy project. Throughout the last three years, all of the State Directors have cooperated in various phases of this project. In addition, Dick Galloway, Bill Wilson and Bill Schipper of the National Association of State Directors of Special Education (NASDSE) were helpful in supporting some of the dissemination activities during the evaluation phase of the Manual. The State Directors who participated are as follows:

State/Territory	Name
Alabama	Dr. Cecil Bobo
Alaska	Dr. Tom Brown
American Samoa	Ms. Jan Parker
Arizona	Mr. Don Johnson
Arkansas	Mr. Larry Rogers
Bureau of Indian Affairs	Dr. Robert E. Hall
California	Mr. Leslie Brinegar
Colorado	Dr. David Crawford
Connecticut	Mr. Robert Margolin
Delaware	Dr. Carl M. Haltom
Washington, D.C.	Dr. Doris A. Woodson
Florida	Dr. Landis M. Stetler
Georgia	Mr. Herbert D. Nash
Guam	Mrs. Julia T. Certeza
Hawaii	Mr. Miles S. Kawatachi
Idaho	Dr. Judy A. Schrag
Illinois	Dr. William K. Tilley
Indiana	Mr. Gilbert A. Bliton
Iowa	Mr. J. Frank Vance
Kansas	Mr. James E. Marshall
Kentucky	Dr. Stella Edwards
Louisiana	Dr. Henry Smith
Maine	Mr. John T. Kierstead
Maryland	Mr. Stanley I. Mopsik
Massachusetts	Dr. Robert Audette
Michigan	Mr. Murray O. Batten
Minnesota	Mr. John C. Groos
Mississippi	Dr. Walter H. Moore
Missouri	Dr. Roland J. Werner
Montana	Mr. Larry Holmquist
Nebraska	Mr. Gary Sherman
Nevada	Mr. Larry Davis
New Hampshire	Mr. Robert Kennedy
New Jersey	Mr. Paul Porado
New Mexico	Mr. Elie S. Gutierrez
New York	Dr. Bernice Kipfer
North Carolina	Mr. Theodore R. Drain
North Dakota	Mr. Roger Miller
Ohio	Mr. S.J. Bonham
Oklahoma	Dr. Maurice P. Walraven
Oregon	Dr. Mason D. McQuiston

State/Territory	Name
Pennsylvania	Mr. Gary Makuch
Puerto Rico	Mrs. Hilda Grana De Bonilla
Rhode Island	Mr. Charles S. Harrington
South Carolina	Mr. Robert S. Black
South Dakota	Dr. George R. Levin
Tennessee	Mr. Joel Walton
Texas	Mr. Don Westin
Mariana Islands	Mr. Elsa H. Thomas
Utah	Dr. R. Elwood Pace
Vermont	Ms. Jean S. Garvin
Virgin Islands	Mr. Robert Rogers
Virginia	Mr. James T. Micklem
Washington	Mr. Floyd M. Jackson

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Local and Intermediate Education Agency Participants

The following persons participated in various data collection activities of the SEAP project either by completing the extensive policy questionnaire (419 item), on-site interviews and/or completing the Evaluation Guide for the draft policy manual. Special recognition should be given to those persons who have an asterisk placed next to their name as they were involved in all phases of the policy research.

State	Contact Person	School District
Alabama	*Thomas J. Evans	Jefferson County Board of Education
	*K.V. Robinson	Etawah County Board of Education
	Jack Cress	Birmingham City Schools
	J. Murray King	Covington Co. School Board
	*Harold K. Collins	Mobile Board of Education
Arizona	David Lloyd	Mesa District No. 4
	Annette Engel	Roosevelt District No. 66
	A.W. Scharf	Scottsdale District No. 48
Arkansas	*Don Blessing	Little Rock Public Schools
	Charles D. Knight	Gould Public Schools
	Robert Stephens	Magnet Cove Public Schools
California	*Al Tudyman	Oakland Public Schools
	Gale Glenn	Butte County Schools
	Marion LeCount	Clovis Unified Schools
	Richard Hawkins	Carmel United School District
Colorado	*Robert G. Weiland	Jefferson County R-1 School District
	*Betty Young	Alamosa School District
	*Donald L. Sanders	N.W. Board of Cooperative Services
	L.E. Abbott	Pikes Peak Board of Cooperative Services
	Ralph Baldwin	Montezuma/Cortex School District
	Lyle Johnson	Cherry Creek School District
	Edward D. Lutztleb	Durango County Schools
	H. Reimer	Laramar School District
	Dennis Sraldi	Arazahoe County School District No. 6
	A.J. Sanchez	Las Animas County School District No.1
	Theodore R. White Jr.	Department of Special Education, Denver, Colo.
	Thomas Fenton	Northeast Colorado School District
Connecticut	*Vaughn I. Clapp	Chaplin School District
	Norman J. Schmitt	Newington Board of Education
	Donald F. Dovville	Torrington School District
	Peter T. Willner	Roosevelt Middle School
	Edward J. McKenney	Colchester Board of Education
	Howard L. Jacobs	Wilton School District
Delaware	Judy B. Spiegel	Milford School District
	E. Turnberger	Wilmington Public Schools

State	Contact Person	School District
Florida	Myrtice Copeland	Dixie County School District
	Lee Coontz	Sarasota County School District
	*Jean Douglass	Sebring School District
	*Ronald R. Stearns	Orange County Public Schools
	Max Gerstman	Duval County School Board
	William Osterhoudt	Monroe County School District
	*Jack Lamb	Hillsborough Board of Public Instruction
	Joan Patterson	Marianna School District
Georgia	Nan Hughes	Fulton County Board of Education
	Jerry Pritchard	Dalton County School System
	Harold Turner	Scottdale School District
	Nancy Moak	Richmond County School System
	Oscar L. Boozer	Atlanta Public Schools
Idaho	Superintendent	Highland School District No. 305
	Richard Leonard	Meridian School District No. 2
	Charles Brizzee	East Bonnerville School District No. 93
Illinois	Carl D. Fogle	Belleville Township High School
	Guy H. Mahan	Leyden Area Special Education Cooperative
	Philip Johnson	School District No. 153
	Larry R. Dew	Madison County Region 1
	Elberta E. Pruitt	Chicago Public Schools
Indiana	William R. Littlejohn	Madison State Hospital
	Ben Morgan	Indianapolis Public Schools
Iowa	Frederick Krueger	Northwest Webster Community Schools
	Thomas Jeschke	Des Moines Community Schools
Kentucky	*Albin L. Lee	Jefferson County Schools
	*William Edwards	Harrison County Board of Education
	Abe Hammons	Bardstown Independent Schools
	*A.B. Harmon	Louisville Independent Schools
Maine	*Barry Smith	School Union No. 43
	Frank Gisler	SAD No. 27
	John Held	School Union No. 48
Maryland	*Charles Bernardo	Montgomery County Public Schools
	*Sarah Wilson	Garrett County Board of Education
	Gloria Engnoth	Baltimore County Board of Education
	Robert Rinaldi	Baltimore City Board of Education

State	Contact Person	School District
Massachusetts	Joseph A. Wert	Harwich School District
	Donald B. Frizzle	Amherst-Pelham Regional School District
	*Robert Sayrs	Randolph Public Schools
	Beverly Brown	Sutton Public Schools
	Jerry Less	Chelsea Public School
	Jim Underwood	Worcester Public Schools
	*Louise Smith	Weston School District
	*Roger W. Brown	Farmingham Public Schools
	Peter Demers	Hampshire Educational Collaborative
	Eugene F. Thayer	Hopkinton Public Schools
	Dorothy Green	School Union No. 28
	Ronald G. Curran	Salem Public Schools
	William J. Quinlan	Fairhaven Public Schools
Michigan	*W. Robert Hawkins	Chippewa Valley Schools
	*Walter S. Luke	Allen Park Public Schools
	Megan Oberlin	Traverse City Public Schools
	Carmen S. Zeigler	Bloomfield Hills Schools
	David Haarer	Ingham Intermediate School District
Minnesota	Duane Christensen	Bemidji School District
	Ralph Kristofersen	Mahnomen School District
	Larry Anderson	Becker-Clay Special Education Cooperative
	James Roberts	International Falls School District
	Thomas Stark	Mankato School District
	Donald Bevis	Minneapolis School District
	Kermit Eastman	St. Cloud School District
	George P. Young	St. Paul School District
	Kenneth Runberg	T-O-W Special Education Cooperative
	*Lyle McFarling	Mankato School District
	*Arnie Rehman	Minneapolis School District
	Lester Martisko	South Central Educational Cooperative
	Charles Hagen	St. Paul School District
Mississippi	*Yvonne B. Brooks	Jackson School District
	Bobby De Poyster	Alcorn County Schools
	Virgil Belve	Clinton Public Schools
	Bernard Waites	Wilkinson County Public Schools
Missouri	*Gordon Wann	Montgomery County School District
Montana	*Jack H. Wrightson	Columbia Falls Public Schools
	Lyle Grayson	Billings School District
Nebraska	*George Spilker	Papillion Public Schools
	Donald D. Sherrill	Lincoln Public Schools
	Ed Pillard	Ralston Public Schools
	Dale Samuelson	Omaha Public Schools

State	Contact Person	School District
Nevada	Roy Berry	Washoe County School District
	William Hammer	Churchill County School District
New Hampshire	Al Dauphin	Claremont School District
	Harold Haskins	Woodsville School District
New Jersey	*Edwin Oskamp	Newton School District
	*Thomas J. Scharf	West Orange Public Schools
	Leonard D. Fitts	Camden School District
	Peter Beurman	Ewing School District
New Mexico	Ernest Abreau	Mora Public Schools
New York	*Howard Brodsky	Brentwood Public Schools
	*Arthur P. Antin	White Plains Public Schools
	William T. Callahan	Nassau Board of Cooperative Educational Services
	Charles E. Turcotte	St. Lawrence Board of Cooperative Educational Services
North Carolina	Jerald Moore	Charlotte/Mecklenburg Schools
North Dakota	*Don Boehmer	Devils Lake School District
Ohio	*Mike Barber	Clinton-Massie Local Schools
	*Jack A. Collopy	Hamilton County Office of Education
	*Janice Moreland	Centerville City Schools
	*R. Paul McMillan	Northcentral Ohio Special Education Service Center
	Fred Blake	Greenhills-Forest Park City Schools
	B.L. Dunnan	Stow City Schools
Oklahoma	*Jim Johnson	Oklahoma City Public Schools
	R. Moseley	Sallisaw Public Schools
Oregon	Gary W. Larsen	Portland Child Services Center
	Jim Stewart	Multnomah County Intermediate Education District
	Barbara Cox	Lake Oswego School District
Pennsylvania	Beverly Goodbe	Eastern Montgomery County Schools
Rhode Island	Bernard Kenny	Central Falls School District
South Carolina	H.E. Corley	Richland District Two
	Henry Bonner	Berkeley City Schools
	William E. Carson	Lee County Schools

State	Contact Person	School District
South Dakota	Jerry Mayer	Sioux Falls Independent School District No. 1
	Robert W. McCandle	Mitchell Independent School District No. 45
Tennessee	J. Lelandwingo	Gibson County Schools
	B.E. Hobgood	Murfreesboro City Schools
Texas	*Charlotte Lewis	Spring Branch Island District Schools
Virginia	*Mike Alford	Portsmouth City School Board
	Milton L. Snyder	Manassas School District
	Wade Johnson	Clarke County School Board
	James Rooks	Prince Georges County School Board
	Gary Snodgrass	Fairfax County School District
Washington	*William E. Mattick	Bellevue School District
	Fred Babb	Edmonds School District
	Charlene Behrns	Seattle Public Schools
West Virginia	*Kathleen Ashley	Spencer School District
Wisconsin	*Frank Roskos	Merrill Public Schools
	Robert McCoy	Shcocton Public Schools
Wyoming	Wilma Hirst	Laramie County School District No. 1

A-4

Development and Evaluation of State and Local Special Education Administrative Policy Manuals (Project Abstract)

At the present time there is extensive pressure upon the nation's education system to fulfill the mandate of guaranteeing to each handicapped child the right to a free and appropriate education regardless of the severity of the child's handicap. This pressure comes from the U.S. Congress, State legislatures, Federal and State courts, governors, offices of State attorneys general, administrative agencies, and parents.

In many jurisdictions the difficult task of implementing quality education programs in response to this mandate has begun. As examples, Pennsylvania, the District of Columbia, Orleans Parish in Louisiana and Maryland are doing so in response to court orders; Colorado, Tennessee, Massachusetts and Wisconsin are complying with State law; and Arkansas, North Carolina and New Mexico are heeding opinions of State attorneys general.

Along with requiring that all handicapped children be provided with an appropriate education, the legal mandates also demand that due process procedures be adopted to govern all identification, evaluation, and placement activities regarding the education provided these children. The third element of the "legal movement" calls for use of the least restrictive alternative concept of placement.

The effect of implementing these multiple policies in many jurisdictions at both the State and local level has been to cause distress and confusion. It is in response to this situation that The Council for Exceptional Children, with support from the Bureau of Education for the Handicapped, United States Office of Education, has been conducting a three year research project designed to expand and improve existing State and local special education administrative policies through the development, evaluation and refinement of a comprehensive administrative policy manual.

Prior to drafting the administrative manual, the project developed an administrative decision point check list, which identified key decisions required to create and operate a modern education program for handicapped children. The next step involved identifying alternative solutions that correspond to each decision. Through pilot and field testing of the manual, the strengths and weaknesses of the documents and the various alternatives were assessed.

As indicated, the development and evaluation of the decision point check list and the manual required extensive field involvement. During the various phases of the project, 380 local and State education agencies were involved in identifying decision points, documenting the alternatives and assessing their relative strengths and weaknesses. One of the specific objectives of the project was to determine the effectiveness of the manual by measuring local and State policy changes in those agencies that cooperate with the project. Many of these cooperating agencies received technical assistance for the purpose of assessing and improving their policies.

In addition to developing the manual, the project has also designed specific dissemination strategies for delivering them to policy makers in key positions to implement comprehensive and modern education programs for handicapped children. Finally, the project generated and disseminated approximately eight information products that focused on specific policy areas regarding the education of exceptional children.

In addition to the full time staff, a ten member working/advisory committee composed of special and general education policy makers and consumers has carried out the work of the project. The project is housed at the headquarters office of The Council for Exceptional Children, 1920 Association Drive, Reston, Virginia 22091, (703) 620-3660.

SPECIAL EDUCATION ADMINISTRATIVE POLICIES (SEAP)
MANUAL EVALUATION FORM

Now that you have had an opportunity to use the SEAP manual, won't you take a few minutes to let us hear from you regarding your reactions to this manual?

1. Please check the following types of personnel you have used or will use this policy manual with:

_____ School Board members

_____ Superintendent and/or Cabinet Administrators

_____ Building Principals

_____ Special Education Supervisors

_____ Teachers

_____ Parents

_____ Advisory Committee

_____ Others (list)

_____

_____

_____

2. Rate the content of this manual as to the following:

	Not Useful				Very Useful
• Completeness	1	2	3	4	5
• Accuracy	1	2	3	4	5
• Relevance	1	2	3	4	5
• Clarity	1	2	3	4	5
• Organization/format	1	2	3	4	4

3. List suggestions for improvement.

4. Major strength(s) of this manual:

The Council for Exceptional Children is considering establishing a policy research and update service, a series of policy option papers on the education of exceptional children, and other policy products so that the SEAP Manual will continue to serve as a relevant policy resource. Should CEC establish such a policy service for a fee, would you subscribe?

_____ Yes _____ No

Your Name _____

Position _____

Address _____

_____

Phone _____

Please send the completed form to:

Dr. Scottie Torres
SEAP Manual Evaluation
1920 Association Drive
The Council for Exceptional Children
Reston, VA 22091